

4.0 INTRODUCTION

4.1 LEGAL AUTHORITY FOR MANAGEMENT

Fisheries management includes all activities associated with maintenance, improvement, and utilization of the fisheries resources of the coastal area, including research, development, regulation, enhancement, and enforcement.

North Carolina's existing fisheries management system is powerful and flexible, with rule-making authority vested in the North Carolina Marine Fisheries Commission (NCMFC) and the North Carolina Wildlife Resources Commission (NCWRC) within their respective jurisdictions. The North Carolina Division of Marine Fisheries (NCDMF) implements NCMFC rules and policies. The North Carolina General Assembly retains licensing and limited entry authorities. In the 1998 Amendment to the Fisheries Reform Act of 1997 (FRA), the General Assembly established a process for limiting entry for fisheries under the Fishery Management Plan (FMP) process. Federal authority under the Magnuson-Stevens Act applies to fisheries in the Exclusive Economic Zone (EEZ: the area from 3 to 200 miles offshore); it also applies to a limited extent in areas within state jurisdiction deemed Essential Fish Habitat (EFH). The Atlantic coast states work together through the Atlantic States Marine Fisheries Commission (ASMFC) to prepare and implement interstate FMPs, but the regulatory responsibility and authority remain with the states. Passage of the Atlantic Coastal Fisheries Cooperative Management Act in 1993 gave the ASMFC oversight for species with ASMFC plans, but plan actions are implemented by each state. Thus, the NCMFC/NCWRC (rules) and NCDMF/NCWRC (research, enforcement, etc.) utilize their authorities to manage the fisheries. The NCMFC and NCWRC have the ability to establish seasons, authorize or restrict fishing methods and gear, limit quantities taken or possessed, and restrict fishing areas. Thus, all necessary authority needed for management of the striped bass fisheries is available through the existing state fishery management process. Protection, enhancement and development of sustainable fisheries will require appropriate use of this authority, along with the cooperation of stakeholders.

The FRA established a process for preparation of coastal FMPs for North Carolina. The FRA states "the goal of the plans shall be to ensure the long-term viability of the State's commercially and recreationally significant species or fisheries. Each plan shall be designed to reflect fishing practices so that one plan may apply to a specific fishery, while other plans may be based on gear or geographic areas. Each plan shall:

- a. Contain necessary information pertaining to the fishery or fisheries, including management goals and objectives, status of the relevant fish stocks, stock assessments for multi-year species, fishery habitat and water quality considerations consistent with Coastal Habitat Protection Plans (CHPP) adopted pursuant to G.S. 143B-279.8, social and economic impact of the fishery to the State, and user conflicts.
- b. Recommend management actions pertaining to the fishery or fisheries.
- c. Include conservation and management measures that will provide the greatest overall benefit to the State, particularly with respect to food production, recreational opportunities, and the protection of marine ecosystems, and that will produce a sustainable harvest.
- d. Specify a time period, not to exceed two years from the date of the adoption of the plan, for ending overfishing. This subdivision shall only apply to a plan for a fishery that is not producing a sustainable harvest.

- e. Specify a time period, not to exceed 10 years from the date of adoption of the plan, for achieving a sustainable harvest. This subdivision shall not apply if the Fisheries Director determines the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirement of this subdivision incompatible with professional standards for fisheries management.
- f. Include a standard of at least fifty percent (50%) probability of achieving sustainable harvest for the fishery or fisheries. This subdivision shall not apply if the Fisheries Director determines the biology of the fish, environmental conditions, or lack of sufficient data make implementing the requirement of this subdivision incompatible with professional standards for fisheries management.

Sustainable harvest is defined in the FRA as “The amount of fish that can be taken from a fishery on a continuing basis without reducing the stock biomass of the fishery or causing the fishery to become overfished”.

Overfished is defined as “The condition of a fishery that occurs when the spawning stock biomass of the fishery is below the level that is adequate for the recruitment class of a fishery to replace the spawning class of the fishery”.

Overfishing is defined as “Fishing that causes a level of mortality that prevents a fishery from producing a sustainable harvest”.

4.2 GOALS AND OBJECTIVES

The goals of Amendment 1 to the North Carolina Estuarine Striped Bass FMP are to achieve sustainable harvest through science based decision-making processes that conserve adequate spawning stock, provide and maintain a broad age structure, and protect the integrity of critical habitats. To achieve these goals, the following objectives must be met:

1. Identify and describe population attributes, including age structure, necessary to achieve sustainable harvest.
2. Restore, improve, and protect striped bass habitat and environmental quality consistent with the Coastal Habitat Protection Plan to increase growth, survival and reproduction.
3. Manage the fishery in a manner that considers biological, social, and economic factors.
4. Initiate, enhance, and/or continue programs to collect and analyze biological, social, economic, fishery, habitat, and environmental data needed to effectively monitor and manage the fishery.
5. Initiate, enhance, and/or continue information and education programs to elevate public awareness of the causes and nature of issues in the striped bass stocks, habitat, and fisheries, and explain management programs.
6. Develop management measures, including regulations that consider the needs of all user groups and provide sustainable harvest.
7. Promote practices that minimize bycatch and discard mortality in recreational and commercial fisheries.

4.3 SUSTAINABLE HARVEST

The FRA mandates that fishery stocks be managed to allow for sustainable harvest and prevent overfishing. Another piece of legislation, House Bill 1713, provides ...”that each FMP must specify time periods for ending overfishing and achieving a sustainable harvest and include a standard of at least 50 percent probability of achieving a sustainable harvest”.

4.3.1 Albemarle/Roanoke Stock

The Stock Status of A/R striped bass (Takade-Heumacher 2010) indicated the stock was not undergoing overfishing. Other findings from the stock assessment included:

- The stock has significantly increased in numbers and overall biomass since the late 1990s.
- Overall recruitment has increased.
- Fishing mortality has increased with total allowable catch (TAC) increases.
- Fishing mortality has declined since 2004.
- The spawning stock biomass (SSB) has steadily increased since 1991; however, there is a large margin of error associated with the model’s current estimate of SSB that is currently a point of concern.
- Overfishing is not occurring and has not been occurring since 2004.
- Due to the large amount of uncertainty associated with the SSB estimates, it is not possible to use the model results to make a determination on the overfished status of the stock.

The NCDMF and the NCWRC position on Amendment 1 of the North Carolina Estuarine Striped bass FMP recommends Fishing Mortality Reference Points of $F_{TARGET} = 0.25$ and $F_{THRESHOLD} = 0.29$. These Reference Points are based on Spawner Potential Ratio (SPR) calculations of 45% and 40% respectively. Due to the large amount of uncertainty associated with the SSB estimates produced from the model, the NCDMF and NCWRC recommends not setting SSB Target and Threshold Reference Points. A more thorough description of the current status of the stock is included in Section 6.0.

4.3.2 Central Southern Management Area Stocks

The current stock assessment (NCDMF 2010) indicates striped bass abundance in each system persists at relatively low levels, with size and age distributions in these systems showing no signs of improvement since the 2003 assessment, and with few fish > age 6 collected from a given cohort. Fish fully recruited to the sampling gear (age 3 or age 4) compose the majority of annual survey catches with these fish declining rapidly in abundance in subsequent years. This rapid decline is responsible for highly volatile estimates of total mortality (Z). Large confidence intervals around estimates of Z indicate a disturbing lack of precision in routine catch curve analysis. It is suspected that improvements in stock dynamics would only be detected as a result of large changes in population characteristics. The large confidence intervals and lack of precision in the catch curve estimates of Z made them unusable for stock status determination (NCDMF 2010). Sustainable harvest cannot be determined at this time because the CSMA striped bass stock assessment did not produce reliable estimates of F. The A/R recommended Fishing Mortality Reference Points of $F_{TARGET} = 0.25$ and $F_{THRESHOLD} = 0.29$ will be used as a proxy for the CSMA stocks. A more thorough description of the current status of the stock is included in Section 6.0. For a complete review of the CSMA stock assessment see Appendix 14.7.

4.4 MANAGEMENT UNITS

Striped bass are recorded from all of North Carolina's coastal river ecosystems (Menhinick 1991). Coastal basins with striped bass spawning, nursery and adult/subadult habitat, which are situated wholly or primarily in North Carolina are: Albemarle Sound and its tributaries; including the Roanoke River, Pamlico Sound and its tributaries, including the Tar/Pamlico River, Pungo River, the Neuse River; the Newport River; the White Oak River; the New River; the Cape Fear and Northeast Cape Fear rivers and estuary; and the Shallotte River. Additional rivers, which enter the Atlantic Ocean in South Carolina, also host striped bass, and some spawning and nursery habitat for these populations may exist in North Carolina. These include the Waccamaw, Lumber, and Pee Dee river systems. The North Carolina portions of these latter systems, whose striped bass populations are largely within South Carolina jurisdiction, will be regulated under this plan, but the biology of those populations will not be reviewed in the plan at this time.

There are three geographic management units for this estuarine striped bass FMP and the fisheries throughout the coastal systems of North Carolina. The management units are defined as follows:

Albemarle Sound Management Area (ASMA) - which includes Albemarle Sound and all its Joint and Inland Water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke, and Croatan sounds and all their Joint and Inland Water tributaries, including Oregon Inlet, north of a line from Roanoke Marshes Point 35° 48'.5015' N - 75° 44'.1228' W across to the north point of Eagle Nest Bay 35° 44'.1710' N - 75° 31'.0520' W (Figure 4.1).

Roanoke River Management Area (RRMA) - Roanoke River and its Joint and Inland Water tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids Dam (Figure 4.1).

Central Southern Management Unit (CSMA) - All internal Coastal, Joint and contiguous Inland waters of North Carolina south of a line from Roanoke Marshes Point across to Eagle Nest Bay to the South Carolina State line (Figure 4.1).

4.5 GENERAL PROBLEM STATEMENT

Striped bass are distributed throughout the coastal waters of North Carolina and have been harvested historically (Table 4.1) from virtually all coastal systems. Over the last 40 to 50 years; however, the fisheries have been overwhelmingly concentrated in the Albemarle Sound area. In addition, historical landing data (Section 14, Appendix 1) indicated that the striped bass fisheries have always been concentrated in the Albemarle Sound area, with minor fisheries in other coastal systems. Data collection on the A/R stock has been ongoing since the 1950s and was intensified in the 1980s when the stock nearly collapsed. Significant restrictions in harvest of A/R striped bass along with improvements in Roanoke River flow conditions since the late 1980s brought about remarkable improvements in spawning success. In 1997, the A/R stock was declared recovered by the ASMFC. The spawning stock biomass has since increased and the age structure of the stock has expanded to include fish at least 17 years old (Godwin et al. 2010). The stock status of A/R Striped Bass (Takade-Heumacher 2010) indicated the stock is not currently experiencing overfishing and stock abundance and recruitment is stable. Since the stock was declared recovered in 1997 the TAC has increased 350%, from 156,800 lbs to the current TAC of 550,000 lbs. For comparison, historical commercial landings from the Albemarle

Sound for the years just prior to stock collapse (1972 -1978) averaged 505,852 lbs (Table 4.1). In order to ensure sustainable harvest for the A/R striped bass stock, and as mandated by the FRA, a reevaluation of current management regimes is necessary.

Outside the ASMA, the NCDMF has conducted spawning and nursery area surveys, and commercial fish house sampling for size, age and sex composition data for most coastal streams, but this work ended 15-20 years ago, varying with area, as federal aid funds were decreased (Table 4.2). The NCDMF 2010 stock assessment indicates the CSMA stocks are experiencing excessive total mortality (NCDMF 2010) and sustainable harvest cannot be determined at this time. Commercial landing data for striped bass in these areas are available (Table 4.1) and creel surveys were initiated in 2003 for the Tar/Pamlico, Neuse, and Cape Fear rivers. In addition to studies in the Roanoke River, the NCWRC has been monitoring spawning stock status of striped bass in the Neuse (1994) and Tar rivers since 1996 and in the Cape Fear River since 2003 (Table 4.3). Results from the electrofishing survey show few fish on the spawning grounds and very few fish over age six. An independent gill net survey was also started by the NCDMF in the Pamlico Sound, Pamlico, and Neuse rivers in 2003 and in the Cape Fear area in 2008. The results from these surveys also show very few fish over age six, indicating low overall survival of these fish. There is a need for additional surveys to be conducted in order to gain a more comprehensive assessment of the CSMA stocks (NCDMF 2010).

4.6 EXISTING PLANS AND AGREEMENTS, STATUTES, AND RULES

4.6.1 Existing Plans and Agreements

In 1986, the North Carolina Department of Natural Resources and Community Development (known today as the Department of Environment and Natural Resources), NCWRC and United States Fish and Wildlife Service (USFWS) entered into a cooperative agreement (Agreement No. 14-16-0004-87-904) for anadromous species restoration in North Carolina's coastal river basins. The cooperative program's intent was to restore self-sustaining stocks of anadromous fishes in coastal North Carolina waters through a combination of fishery techniques including stocking, regulations, and assessment. This cooperative program continues today and has resulted in numerous cooperative fishery management ventures between state and federal agencies.

In November 1990, a memorandum of agreement between the NCMFC and NCWRC was signed to provide stewardship and continuity of management for striped bass. Through this agreement, two distinct management zones were established: the Albemarle Sound and Roanoke River Management Areas. Under an additional agreement the NCMFC, NCWRC, and USFWS established a cooperative for the purpose of restoring all inter-jurisdictional anadromous fishery stocks in North Carolina.

The ASMFC was directed, under the federal Striped Bass Conservation Act (1984) to develop a management plan, which would address all striped bass populations from the South Carolina/North Carolina border northward. The Act, during reauthorization in 1988, was amended to include Section 5, which provided that the USFWS, in consultation with the National Marine Fisheries Service (NMFS), would provide a report to Congress summarizing the findings of a study to be conducted on North Carolina striped bass. The Act specifically instructed the USFWS to include: a description of the Albemarle Sound-Roanoke River Basin; an investigation and analysis of the effects of land and water use practices on the A/R striped bass stock, determination of the abundance, age, geographic distribution and amount and location of migration and spawning habitat; the extent and causes of mortality at successive life stages,

including fishing; the effects of pollution and other alterations including water withdrawals, discharges and flows on A/R stock migration, spawning, viability and condition of eggs and larvae; the effectiveness of current fishery and reservoir management measures; an analysis of whether additional measures are needed to halt the decline of the A/R stock and initiate recovery; and a recommendation of whether conservation could be improved by managing the A/R stock under the ASMFC Interstate Fisheries Management Plan for Striped Bass and the Act.

The report of the USFWS, Albemarle Sound and Roanoke River Basin North Carolina Striped Bass Study, was submitted to Congress in May 1992. The report contained recommendations for restoration of the A/R stock. One of the recommendations was that North Carolina be allowed to continue management of its striped bass fisheries prosecuted on the A/R stock in the ASMA and RRMA, under the ASMFC plan but with its own separate management provisions. The CSMA was not specifically addressed in the ASMFC plan.

Under the ASMFC Amendment 6 to the Interstate FMP for Atlantic Striped Bass, states were required to implement a variety of regulations and monitoring programs within their jurisdictions. These included a preferred minimum size of 20 inches TL in bays and estuaries and 28 inches TL in ocean waters. States may deviate from these preferred options, but any alternative measures must be reviewed by the Striped Bass Technical Committee for conservation equivalency and approved by the Striped Bass Management Board (ASMFC 2003). Maryland, Virginia, and North Carolina made a conservation equivalency proposal that instituted an 18 inch minimum TL size limit in the Chesapeake Bay and the ASMA. Due to the smaller size limit the F-target for these areas was reduced from $F_{TARGET} = 0.30$ (coastwide F based on a 28 inch minimum TL) to $F_{TARGET} = 0.27$. The ASMFC Amendment 6 to the Interstate FMP for Atlantic Striped Bass, explicitly states that "...under no circumstances will states be allowed to institute minimum sizes below 18 inches in alternative management regimes".

The plan also requires annual submittal of a fishing plan as well as a compliance report on the previous year's fishery. Both the annual fishing plan and annual fishery compliance report for the A/R stock must be accepted and approved by the ASMFC Striped Bass Technical Committee and also by the ASMFC Striped Bass Management Board. Management of striped bass fisheries in the CSMA do not currently fall under the ASMFC jurisdiction.

The first North Carolina Estuarine Striped Bass FMP was developed and approved by the NCMFC and NCWRC in 1994. The plan set forth measures necessary for continuing the recovery of the A/R stock, and advised the ASMFC of measures which North Carolina was taking in that regard. It also put in place a commercial quota and recreational size and bag limits for the CSMA. This coastwide plan also satisfied the recommendation, contained in the Report to Congress, that such a plan be prepared.

Under the mandate of the FRA, the 2004 North Carolina Estuarine Striped Bass Fishery Management Plan was adopted by the NCMFC and NCWRC in May and July 2004 respectively. For the A/R stock, the plan focused management on a recovered stock and replaced in full the 1994 North Carolina Striped Bass FMP. For the CSMA stocks, the plan focused management on gaining adequate information on recreational harvest through the implementation of creel surveys and reducing discard mortality in the CSMA set gill net fisheries, including the Neuse and Tar/Pamlico river gill net fisheries.

4.6.1.1 A/R Stock Management Measures Approved From 2004 FMP

Biological Reference Points

- Support a fishing mortality rate (F) no higher than 0.22 and a SSB no lower than 400,000 lbs. for the A/R stock.

Discard Mortality of Striped Bass in Multi-Species Gill Net Fishery

- Maintain status quo, existing gill net proclamation authority, with the requirement that small mesh nets be sunk after river herring gill net season closes. Small mesh gill nets (3 ¼ inch stretched mesh (ISM)) would be restricted to no more than 25 – 30 meshes deep and set in no less than 7 feet of water unless attended. These requirements would remain in effect when attendance was not required¹. Also, consider area closures to gill netting. The following qualifications will also apply: 1. NCDMF will evaluate existing Independent Gill Net Survey (IGNS) small mesh data to determine differences between striped bass catches in float and sink nets and 2. Observer data, current and future will be collected and analyzed to assess the benefits. Should the discard reductions not be within the estimated range of the other options in Table 10.14, then NCDMF may implement other options presented in the FMP, or other options that may be developed over time.

Management of Harvest Targets in the ASMA

- Supports no payback for overages in RRMA due to underage in 2003.
- Supports TAC allocation: 25% Roanoke River/NCWRC recreational, 25% Albemarle Sound/NCDMF recreational and 50% Albemarle Sound/NCDMF commercial.
- Penalties/Triggers for Overages: Short-term Overage: point harvest estimate exceeds the total TAC by 10% in a single year, overage deducted from the next year and restrictive measures implemented in the responsible fishery (ies). Long-term Overages: five year running average of point estimate exceeds the five year running average of the total TAC harvest by 2%, the responsible fishery exceeding the harvest limit will be reduced by the amount of the overage for the next five years. Should the target F be exceeded, then restrictive measures will be imposed to reduce F to the target level.

4.6.1.2 CSMA Stocks Management Measures Approved From 2004 FMP

Biological Reference Points

- Manage the CSMA stocks under the same exploitation rate targets and thresholds as selected for the A/R stock (F= 0.22, SSB 400,000 lbs.). Improve data collection on these stocks so that biomass thresholds and targets can be developed for these stocks.

Striped Bass Stocking in Coastal River Systems

- Continue Phase II stocking program, with two systems in the CSMA (Tar-Pamlico, Neuse and Cape Fear rivers) being stocked annually, with a goal of 100,000 fish per drainage.
- Continue the Phase I striped bass stocking program, with a goal of 100,000 fish per year, per system in the CSMA.

Management Options for Recreational Striped Bass Harvest in CSMA

- Adequate information to evaluate specific recreational measures are lacking in the CSMA. Regulations should remain at status quo for 2004. A one year creel survey is being developed by NCDMF and NCWRC for the Tar-Pamlico and Neuse systems. This survey will collect data on recreational striped bass fisheries in these waters. The NCWRC will be conducting a creel survey in the Cape Fear system in 2004. After completion of the creel surveys and data analysis, appropriate regulations will be developed and implemented to distribute the reductions in fishing mortality necessary for stock recovery among the various recreational fisheries.

¹ Since the adoption of the River Herring FMP in 2007 this gill net rule has not been utilized.

Discard Mortality of Striped Bass from Set Gill Nets in the CSMA Management Options for Neuse River and Pamlico River Areas Gill Net Fishery

- Require “tie-downs” to reduce striped bass bycatch. NCDMF is currently evaluating the effectiveness of various tie- down configurations.
- Rivers- Increase the commercial possession limit to 10 fish per day per operation in the rivers during the open striped bass season. Require that gill nets in the shad and flounder fisheries operating in the Pamlico, Pungo and Neuse river areas (west of 76° 30'W long.²) be tied down after the striped bass quota is reached and the season closed.
- Pamlico Sound- commercial possession limit would remain at 5 fish in the Pamlico Sound. Landings of striped bass will be limited to 50% by weight of the total catch, not to exceed 5 fish per day per fishing operation. Gill nets with a mesh length of 6 inches (stretched mesh) and greater would be prohibited during the striped bass season.
- Other portions of the CSMA- Maintain striped bass seasons, opening and closing through proclamation and operating under the 25,000 lb. TAC. This option is intended to allow the sale of striped bass bycatch resulting from gill net fisheries. As data are collected, more restrictive measures may be implemented as needed.

4.6.1.3 Proposed Management Measures for the A/R Stock

After reviewing the A/R Striped Bass Stock Assessment, recreational and commercial landings data, and all of the independent monitoring programs conducted by the NCDMF and NCWRC, the North Carolina Estuarine Striped Bass FMP Plan Development Team (PDT) unanimously proposed to maintain status quo with all current management measures for the ASMA and RRMA. The only change from the management measures approved in the 2004 FMP is relative to the Biological Reference Points. A new stock assessment model was used which necessitated the recalculation of fishing mortality (F) and spawning stock biomass (SSB) targets and thresholds. For a complete review of the A/R stock assessment see Appendix 14.6.

It should also be noted that the NCDMF Director and NCWRC will maintain the ability to establish seasons, authorize or restrict fishing methods and gear, limit quantities taken or possessed, and restrict fishing areas as deemed necessary to maintain a sustainable harvest.

PROPOSED MANAGEMENT MEASURES

Biological Reference Points

- $F_{\text{Target}} = 0.25$
- $F_{\text{Threshold}} = 0.29$

A/R stock has been managed with a Total Allowable Catch (TAC) since 1990

- Maintain current TAC of 550,000 lbs
- The TAC will continue to be split evenly between commercial and recreational sectors
- ASMA commercial TAC = 275,000 lbs
- ASMA recreational TAC = 137,500 lbs
- RRMA recreational TAC = 137,500 lbs

ASMA Commercial Harvest (TAC = 275,000 lbs)

- 18 inch TL minimum size limit (ASMFC compliance requirement)
- Continue to operate as a bycatch fishery
- Spring season, anytime between Jan 1 – Apr 30

² This changed to 76° 28'W in 2008; see proclamation M-9-2008.

- Fall Season, anytime between Oct 1 – Dec 31
- Daily trip limits for striped bass
- Maintain gill net mesh size and yardage restrictions
- Maintain seasonal and area closures
- Maintain attendance requirements for small mesh nets (mid – May through late November)

ASMA Recreational Harvest (TAC = 137,500 lbs)

- 18 inch TL minimum size limit
- Daily creel limit (can be adjusted as necessary to keep harvest below the TAC)
- Open 7 days a week all season (can be adjusted as necessary to keep harvest below the TAC)
- Spring season, anytime between Jan 1 – Apr 30
- Fall season, anytime between Oct 1 – Dec 31

RRMA Recreational Harvest (TAC = 137,500 lbs)

- 18 inch TL minimum size limit
- Protective slot (no harvest): 22-27 inches TL
- 2 fish daily creel, only one of which can be greater than 27 inches TL
- Harvest season in entire river opens on March 1 and closes on April 30 by rule since 2008
- Single barbless hook regulation from April 1 – June 30 in Inland waters above the US 258 Bridge

Management of TACs for ASMA and RRMA

- Short-term Overages: if the harvest point estimate exceeds the total TAC by 10% in a single year, overage is deducted from the next year and restrictive measures implemented in the responsible fishery (ies)
- Long-term Overages: five-year running average of harvest point estimate exceeds the five-year running average of the total TAC harvest by 2%, the responsible fishery exceeding the harvest limit will be reduced by the amount of the overage for the next five years. Should the target F be exceeded, then restrictive measures will be imposed to reduce F to the target level

RECOMMENDATIONS

PDT - Supports status quo on all proposed Management Recommendations

A/R AC – Supports status quo on all proposed Management Recommendations

NCDMF – Supports status quo on all proposed Management Recommendations

NCMFC - Supports status quo on all proposed Management Recommendations

NCWRC - Supports status quo on all proposed Management Recommendations

4.6.1.4 Proposed Management Measures for the CSMA Stocks

The North Carolina Estuarine Striped Bass FMP Plan Development Team (PDT) proposed to maintain status quo with all current management measures for the CSMA and provide a payback provision for any overage of the commercial TAC.

It should also be noted that under the provisions of this plan amendment the NCDMF Director and NCWRC will maintain the ability to establish seasons, authorize or restrict fishing methods and gear, limit quantities taken or possessed, and restrict fishing areas as deemed necessary to maintain a sustainable harvest.

PROPOSED MANAGEMENT MEASURES

CSMA Recreational Harvest (Coastal, Joint, and Inland waters)

- Unified season Oct 1 – Apr 30
- 2 fish daily creel limit
- 18 inch TL minimum size limit
- Protective slot (no harvest) 22 – 27 inches TL (joint and inland waters only)
- Harvest moratorium for Cape Fear River and its tributaries

CSMA Commercial Harvest (Coastal and Joint waters)

- TAC of 25,000 lbs and commercial fishery, excluding Pamlico Sound, is not a bycatch fishery
- 18 inch TL minimum size limit
- 10 fish or less trip limit
- Spring season only, anytime between Jan 1 – Apr 30
- Gill net mesh size restrictions and yardage limits
- 18 inch TL minimum size limit
- Discards – maintain existing gill net tie-down and distance from shoreline (DFS) measures implemented by proclamation.
- Harvest moratorium for Cape Fear River and its tributaries

RECOMMENDATIONS

The need for continuing conservation management efforts at this time are supported by the constrained size and age distributions, low abundance, and the absence of older fish in the spawning ground surveys. The management measures implemented in July 2008 have substantially reduced harvest but have not been in place long enough to fully evaluate their long-term benefit to stock improvement.

PDT - Supports status quo on all proposed Management Recommendations with the addition of a pound for pound pay back provision for the commercial harvest TAC.

CSMA AC – Supports status quo on all proposed Management Recommendations with the addition of a pound for pound pay back provision for the commercial harvest TAC.

NCDMF – Supports status quo on all proposed Management Recommendations with the addition of a pound for pound pay back provision for the commercial harvest TAC.

NCMFC - Supports status quo on all proposed Management Recommendations with the addition of a pound for pound pay back provision for the commercial harvest TAC.

NCWRC - Supports status quo on all proposed Management Recommendations with the addition of a pound for pound pay back provision for the commercial harvest TAC.

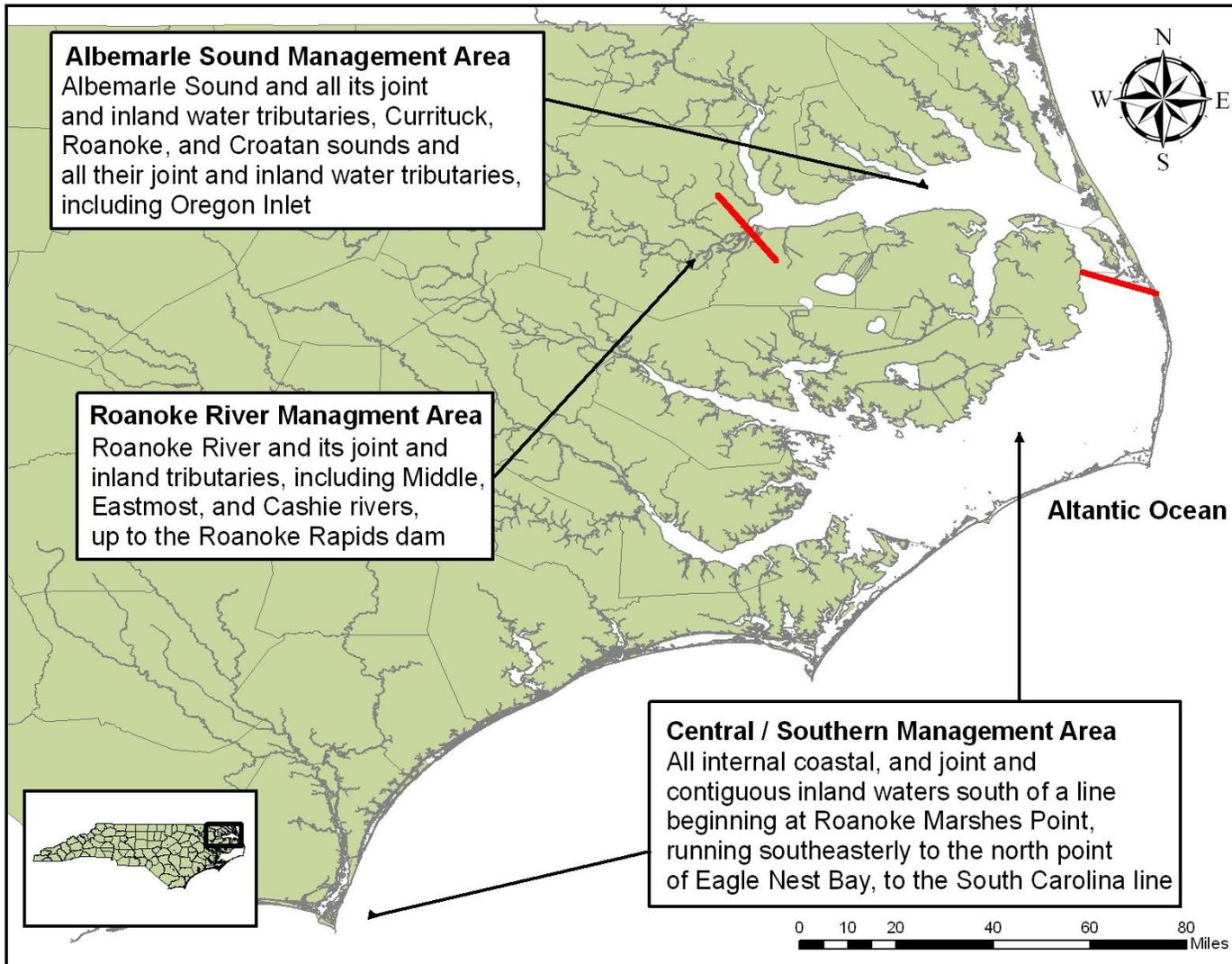


Figure 4.1 Boundary lines between the Albemarle Sound Management Area, Central Southern Management Area, and the Roanoke River Management Area.

Table 4.1 North Carolina striped bass commercial landings (lbs) 1972-2009. (NCDMF Trip Ticket Program).

YEAR	ASMA	Pamlico Sound	Pamlico & Pungo rivers	Neuse River	Cape Fear River	Confidential and Other Inside Waters	Atlantic Ocean	Total
1972	304,809	64,978	49,294	500	3,033	11,399	827,047	1,261,060
1973	529,156	27,587	73,638	4,928	1,376	7,082	1,108,169	1,751,936
1974	427,940	19,618	41,865	456	729	32,267	493,316	1,016,191
1975	615,752	17,217	55,870	7,280	1,538	20,545	584,995	1,303,197
1976	668,903	7,117	11,904	8,625	1,814	7,498	332,293	1,038,154
1977	469,402	561	9,839	0	831	316	90,702	571,651
1978	524,999	3,920	2,754	0	1,326	287	164,578	697,864
1979	326,208	6,500	32,945	0	7,811	640	240,080	614,184
1980	372,482	5,282	50,655	141	17,418	4,691	21,834	472,503
1981	333,376	3,556	20,612	427	7,394	418	51,541	417,324
1982	227,626	4,345	11,045	228	1,815	378	92,873	338,310
1983	288,677	1,184	15,035	1,018	2,500	65	52,796	361,275
1984	475,607	690	16,539	3,445	2,081	33	14,501	512,896
1985	269,671	2,842	5,919	988	337	0	183	279,940
1986	172,683	6,104	8,766	687	741	0	11	188,992
1987	228,861	24,797	6,571	1,433	559	0	0	262,221
1988	108,791	3,609	2,538	198	306	434	39	115,915
1989	97,061	940	1,987	56	679	15	92	100,830
1990	103,757	373	235	148	728	28	8,670	113,939
1991	108,460	4,034	321	1,967	1,585	263	6,186	122,816
1992	100,549	6,019	774	9,053	2,746	14,166	27,702	161,009
1993	109,475	8,134	374	1,797	1,439	65,557	75,671	262,447
1994	102,370	9,974	866	8,288	480	250	139,672	261,900
1995	87,836	6,981	2,439	3,950	264	692	344,627	446,789
1996	90,133	17,321	4,230	6,965	4,139	595	58,217	181,600
1997	96,122	16,434	4,450	5,344	2,187	106	463,144	587,786
1998	123,927	11,520	7,514	5,537	501	903	272,969	422,869
1999	162,870	15,478	10,452	6,094	1,001	936	391,482	588,311
2000	214,029	8,894	16,749	4,808	567	64	162,396	407,505
2001	220,233	8,821	8,934	6,943		219	381,445	626,595
2002	222,856	8,632	8,205	4,121	173	16,454	441,018	701,459
2003	323,337	11,239	7,387	5,777	68	16,912	201,199	565,919
2004	273,636	8,055	14,197	7,820	2,364	44	605,358	911,473
2005	232,693	7,981	11,258	5,173	2,721	0	604,464	864,289
2006	186,399	7,478	5,402	7,090	1,057	123	74,189	281,736
2007	171,682	7,369	9,295	6,731	1,601	12	379,694	576,384
2008	74,926	732	3,718	4,828	831	6	288,410	373,450
2009	96,134	1,330	14,892	8,285	0	0	189,963	310,604

Table 4.2 Striped bass research and monitoring by the NCDMF in the coastal rivers and sounds of North Carolina.

System	Spawning areas	Juvenile abundance	Adult size, age, and sex	Migration & Tagging	Survey Type		
					Creel survey	Commercial harvest §	Other
Albemarle Sound Area	1973, 1974, 1978, 1993, 2005, 2006-present	1972-present	1972-present	1974-present	1990-present: NCDMF *MRIP 1987-present ¥RCGL survey 2001, 2004, 2007, 2002-2008	1978-present	Socioeconomic survey 2000, 2003, 2004, 2009
Tar/Pamlico River and Pamlico Sound	1975, 1976, 1980, 1981	1974-1980	1974-1981, 1998-present 2003-present	1975, 1976, 1979-1981, 1998-2001 2003-present	2003-present: NCDMF *MRIP 1987-present ¥RCGL survey 2001, 2004, 2007, 2002-2008	1978-present	Socioeconomic survey 2001, 2003, 2004, 2009
Neuse	1977-1979	1976-1980	1976-1981 Sep 1998-Jan 2001 2003-present	1977-1981, Sep 1998-Jan 2001 2003-present	2003-present: NCDMF *MRIP 1987-present ¥RCGL survey 2001, 2004, 2007, 2002-2008	1978-present	Socioeconomic survey 2001, 2003, 2004, 2009
White Oak	1974, 1975	1973-1975	1974, 1975		*MRIP 1987-present	1978-present	Socioeconomic survey 2003, 2004, 2009
New	1974, 1975	1973-1975	Sep 1998-Jan 2001		*MRIP 1987-present	1978-present	Socioeconomic survey 2003, 2004, 2009
Cape Fear	1976-1981	1975-1981	1976-1981	1976-1981	*MRIP 1987-present	1978-present	Socioeconomic survey 2003, 2004, 2009

* MRIP was formerly MRFSS and is ongoing in the coastal waters of these systems but geographic coverage is limited to the extreme eastern portions of these areas.

§ Commercial harvest available for earlier years by the National Marine Fisheries Service (NMFS) and preceding agencies.

¥Recreational Commercial Gear License.

Table 4.3 Striped bass research and monitoring by the NCWRC in the coastal rivers of North Carolina.

System	Spawning stock survey	Egg and larvae	Juveniles	Adult size, age and sex	Creel survey	Catch and release mortality
Roanoke	1991- present 1957, 1959	1980-1991		1991- present 1984	1982, 1988- present	1994, 1995 2000
Tar- Pamlico	1994-present	1970-1975 1988-1989, 1996		1970-1975	2004-2005	
Neuse	1994- present	1970-1975 1988-1989	2006-2007	1970-1975	2002-2003	
Cape Fear	2003-present	1999-2000		1992-1993	2003-2004	
Chowan					2001-2002	
White Oak		2000		1998, 2000		
Northeast Cape Fear		2000		1998		
Albemarle Sound					1977-1980	
Inland waters of NC		1966-1968			1966-1968	

4.6.2 Statutes

All management authority for North Carolina’s striped bass fishery is vested in the State of North Carolina. General authorities that are noted in Section 4.1 provide the NCMFC, NCDMF, and NCWRC with the regulatory powers to manage the striped bass fishery. There are few general statutes that govern specific aspects of finfish management in North Carolina or that focus specifically on striped bass. Also the statutory licensing and reporting requirements for fishing activities apply equally to all types of finfish harvest and there are few statutes that would affect striped bass directly.

Many different State laws, known as General Statutes (G.S.), provide the necessary authority for fishery management in North Carolina. General authority for stewardship of marine, estuarine, and inland aquatic resources by the NCDENR is provided in G.S. 113-131. The NCDMF and the NCWRC are the branches of the NCDENR that carries out this responsibility. The NCMFC is charged to “manage, restore, develop, cultivate, conserve, protect, and regulate the marine and estuarine resources of the State of North Carolina” (G.S. 143B-289.51). The NCMFC and the NCWRC can regulate fishing times, areas, fishing gear, seasons, size limits, and quantities of fish harvested and possessed (G.S. 113-182 and 143B-289.52). General Statute 143B-289.52 allows the NCMFC to delegate the authority to implement its regulations for fisheries “which may be affected by variable conditions” to the Director of the NCDMF who may then issue public notices called “proclamations”. Thus, North Carolina has a very powerful and flexible legal basis governing coastal fisheries management. The General Assembly has

retained the authority to establish commercial fishing licenses, but has delegated to the NCMFC authority to set individual permit fees for various commercial fishing gears.

Selected North Carolina General Statutes pertaining to the management of striped bass and the enforcement of applicable regulations include:

- G.S. 113-129. Definitions relating to resources.
- G.S. 113-132. Jurisdiction of fisheries agencies.
- G.S. 113-168.2. Standard Commercial Fishing License.
- G.S. 113-168.3. Retired Standard Commercial Fishing License.
- G.S. 113-168.4. Sale of Fish.
- G.S. 113-168.6. Commercial fishing vessel registration.
- G.S. 113-169.1. Permits for gear, equipment, and other specialized activities authorized.
- G.S. 113-173. Recreational Commercial Gear License.
- G.S. 113-174.2. Coastal Recreational Fishing License.
- G.S. 113-182. Regulations of fishing and fisheries
 - G.S. 113-182.1. Fishery Management Plans
- G.S. 113-183. Unlawful possession, transportation and sale of fish.
- G.S. 113 261. Taking fish and wildlife for scientific purposes; permits to take in normally unauthorized manner; cultural and scientific operations.
- G.S. 113-267. Replacement costs of marine, estuarine, and wildlife resources; rules authorized; prima facie evidence.
- G.S. 113-268. Injuring, destroying, stealing, or stealing from nets, seines, buoys, pots, etc.
- G.S. 113 292. Authority of the Wildlife Resources Commission in regulation of inland fishing and the introduction of exotic species.
- G.S. 113-316. General statement of purpose and effect of revisions of Subchapter IV made in 1965 and 1979.
- G.S. 143B-279.8 Coastal Habitat Protection Plans

4.6.3 Rules

The following rules are used in the management of all striped bass stocks in North Carolina, including the Atlantic Ocean, coastal, joint, and inland waters of the state, through the authority vested in the NCMFC and NCWRC. North Carolina Administrative Code (NCAC) 15A, Chapter 3 Marine Fisheries and Chapter 10 Wildlife Resources and Water Safety. Striped bass rules are unique in that a number of rules are jointly adopted by both the NCMFC and the NCWRC. Some rules in Subchapters 03Q and 10C are adopted by reference and are essentially the same for both agencies. Many rules, like the statutes, apply equally to all types of finfish harvest and there are relatively few rules that would affect striped bass directly. These rules were in place at the beginning of the Estuarine Striped Bass FMP Amendment 1 development. Rules necessary to implement the selected management strategies for this plan and selected by the NCMFC and NCWRC are listed in Appendix 18.

4.6.3.1 Marine Fisheries Commission Rules

North Carolina Rules for Coastal Fishing Waters – 15A NCAC 15A NCAC 03H .0103 PROCLAMATION AUTHORITY OF FISHERIES DIRECTOR

(a) The proclamation authority granted to the Fisheries Director by the Marine Fisheries Commission within this Chapter includes the authority to close as well as open seasons and areas, to establish conditions governing various activities, and to reduce or increase the size and harvest limits from those stated in rule when specifically authorized. It is unlawful to violate the provisions of any proclamation issued by the authority of Marine Fisheries Commission Rule.

harmfully altered, damaged, or destroyed, the factors to be considered in determining the cost of the investigation are as follows:

- (A) the time expended by the employee or employees making the investigation, including travel time between the place of usual employment and the site of the investigation, and the time required in formulating and rendering the report;
 - (B) the cost of service to the state of each employee concerned, including annual salary, hospitalization insurance, and the state's contribution to social security taxes and to the applicable retirement system;
 - (C) subsistence of the investigating personnel, including meals, reasonable gratuities, and lodging away from home, when required;
 - (D) the cost of all necessary transportation;
 - (E) the use or rental of boats and motors, when required;
 - (F) the cost of cleaning or repairing any uniform or clothing that may be damaged, soiled or contaminated by reason of completing the investigation;
 - (G) the cost of necessary telephonic communications;
 - (H) any other expense directly related to and necessitated by the investigation.
- (2) Computation of Costs. In assessing the cost of time expended in completing the investigation, the time expended by each person required to take part in the investigation shall be recorded in hours, the value of which shall be computed according to the ratio between the annual cost of service of the employee and his total annual working hours (2087 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as follows:
- (A) subsistence: the per diem amount for meals, reasonable gratuities, and lodging away from home, not to exceed the then current maximum per diem for state employees;
 - (B) transportation: total mileage by motor vehicle multiplied by:
 - (i) the then current rate per mile for travel by state-owned vehicle; or
 - (ii) the then current rate per mile for travel by privately owned vehicle, as applicable;
 - (C) boat and motor: ten dollars (\$10.00) per hour;
 - (D) uniform and clothing cleaning and repair: actual cost;
 - (E) telephonic communications: actual cost;
 - (F) other expenses: actual cost.

*History Note: Authority G.S. 113-134; 113-267; 143B-289.52;
Eff. March 1, 1995;
Recodified from 15A NCAC 3I .0015 Eff. December 17, 1996.*

15A NCAC 03J .0101 FIXED OR STATIONARY NETS

It is unlawful to use or set fixed or stationary nets:

- (1) In the channel of the Intracoastal Waterway or in any other location where it may constitute a hazard to navigation;
- (2) So as to block more than two-thirds of any natural or manmade waterway, sound, bay, creek, inlet or any other body of water;
- (3) In the middle third of any marked navigation channel;
- (4) In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little, Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03J .0102 NETS OR NET STAKES

It is unlawful to use nets or net stakes:

- (1) Within 150 yards of railroad or highway bridge crossing the Northeast Cape Fear River, New River, White Oak River, Trent River, Neuse River, Pamlico River, Roanoke River, and Alligator River;

- (2) Within 300 yards of any highway bridge crossing Albemarle Sound, Chowan River, Croatan Sound, Currituck Sound and Roanoke Sound;
- (3) If such net stakes are of metallic material.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991.

15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS

(a) It is unlawful to use gill nets:

- (1) With a mesh length less than 2 ½ inches.
- (2) In internal waters from April 15 through December 15, with a mesh length 5 inches or greater and less than 5 ½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on gill net or seine fishing operations:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets, which are not connected together at the top line, are considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line are considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in this Paragraph, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any flounder or other finfish pound net set with lead and either pound or heart in use, except from August 15 through December 31 in all coastal fishing waters of the Albemarle Sound, including its tributaries to the boundaries between coastal and joint fishing waters, west of a line beginning at a point 36° 04.5184' N - 75° 47.9095' W on Powell Point; running southerly to a point 35° 57.2681' N - 75° 48.3999' W on Caroon Point, it is unlawful to use gill nets within 500 yards of any pound net set with lead and either pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of the entrance to the Alligator-Pungo River Canal near Beacon "54" in Alligator River to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per vessel may be used at any one time;
- (2) Any net used must be attended by the fisherman from a vessel who shall at no time be more than 100 yards from either net; and
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.

(g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the gill net attended areas designated in 15A NCAC 03R .0112(a).

(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through November 30 in the internal coastal and joint waters of the state designated in 15A NCAC 03R .0112(b).

(i) For gill nets with a mesh length five inches or greater, it is unlawful:

- (1) To use more than 3,000 yards of gill net per vessel in internal waters regardless of the number of individuals involved.
- (2) From June through October, for any portion of the net to be within 10 feet of any point on the shoreline while set or deployed, unless the net is attended.

(j) For the purpose of this Rule and 15A NCAC 03R .0112, shoreline is defined as the mean high water line or marsh line, whichever is more seaward.

*History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994; July 1, 1993; September 1, 1991;
Temporary Amendment Eff. October 2, 1999; July 1, 1999; October 22, 1998;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. April 1, 2009; December 1, 2007; September 1, 2005; August 1, 2004;
August 1, 2002.*

15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS

(a) For the purpose of this Section the following terms are hereby defined:

- (1) Pound Net Set Permit. A Division authorization to set and fish a pound net set in a commercial fishing operation in a specified location in a specified fishery.
- (2) Permit period. One year from the date of issuance of a new or renewal pound net set permit.
- (3) Deployed pound net. Setting of any part of a pound net, except for a location identification stake or for a pound net used in the Atlantic Ocean a location identification buoy placed at each end of a proposed new location.
- (4) Operational pound net set. A pound net set as defined in 15A NCAC 03I .0101 and deployed according to rules and permit conditions with net attached to stakes or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-restricted opening leading into the pound such that the set is able to catch and hold fish.
- (5) Flounder pound net. A pound net set that produces a catch consisting of 50 percent or more flounder by weight of the entire landed catch, excluding blue crabs or a pound net set with all pounds (holding pen) constructed of four inch stretch mesh or greater.
- (6) Shrimp pound net. A pound net set with all pounds (holding pen) constructed of stretch mesh equal to or greater than one and one-fourth inches and less than or equal to two inches.

(b) It is unlawful for a pound net used in a commercial fishing operation to:

- (1) Be deployed on a site without first obtaining a Pound Net Set Permit from the Fisheries Director.
- (2) Fail to be operational for a minimum of 30 consecutive days during the pound net set permit period unless a season for the fishery for which the pound net set is permitted is ended earlier due to a quota being met.

(c) It is unlawful for a pound net set in a commercial fishing operation in coastal fishing waters to fail to:

- (1) Have the permittee's identification legibly printed on a sign no less than six inches square, securely attached to a stake at the permitted ends of each set at all times. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set shall be identified with a yellow buoy, which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be legibly printed on the buoy. The identification on signs or buoys shall include the Pound Net Set Permit number and the permittee's last name and initials.

- (2) Have yellow light reflective tape or yellow light reflective devices on each pound. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
- (3) Have a marked navigational opening at least 25 feet wide at the end of every third pound. The opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.

If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(d) It is unlawful to use a Recreational Commercial Gear License (RCGL) shrimp pound net as defined in 15A NCAC 03O .0302 (a)(8) in coastal fishing waters unless the shrimp pound net is:

- (1) Marked by attaching to the offshore lead, one floating buoy, any shade of hot pink in color, which is of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The owner shall be identified on the buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. The identification shall include owner's last name and initials and if a vessel is used, one of the following:
 - (A) Gear owner's current motor boat registration number; or
 - (B) Owner's U.S. vessel documentation name.
- (2) Set a minimum of 100 yards from a RCGL shrimp pound net set or 300 yards from an operational permitted shrimp pound net set.

(e) Escape Panels:

- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any or all of the following requirements or restrictions on the use of escape panels:
 - (A) Specify size, number, and location.
 - (B) Specify mesh length, but not more than six inches.
 - (C) Specify time or season.
 - (D) Specify areas.
- (2) It is unlawful to use flounder pound net sets without four unobstructed escape panels in each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size of five and one-half inches, hung on the diamond, and shall be at least six meshes high and eight meshes long.

(f) During 1 December through 1 February the Director shall by proclamation establish time periods and areas where it is unlawful to fail to remove all nets from pound net sets in commercial fishing operations in internal coastal waters.

(g) It is unlawful within 30 days of abandonment of a permitted pound net set to fail to remove all stakes and associated gear from coastal fishing waters. The responsible party for abandoned pound net gear may be charged the costs incurred by the Division when the Division undertakes removal of the abandoned pound net gear.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. April 1, 2009.

15A NCAC 03M .0101 MUTILATED FINFISH

It is unlawful to possess aboard a vessel or while engaged in fishing from the shore or a pier any species of finfish that is subject to a size or harvest restriction without having head and tail attached, except for mullet when used for bait. Blueback herring, hickory shad and alewife shall be exempt from this Rule when used for bait provided that not more than two fish per boat or fishing operation may be cut for bait at any one time.

*History Note: Authority G.S. 113-134; 113-185; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. January 1, 1991;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. July 1, 2006; August 1, 2002.*

15A NCAC 03M .0201 GENERAL

(a) Striped bass is defined as striped bass (*Morone saxatilis*) and its hybrids taken in coastal and joint waters.

(b) Hook-and-line fishing equipment is not commercial fishing equipment in the striped bass fishery. It is unlawful to sell or purchase striped bass taken by hook-and-line. Striped bass taken legally with hook-and-line may be possessed and transported.

(c) It is unlawful to possess striped bass imported from other states less than 18 inches long (total length).

(d) It is unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:

- (1) open striped bass season established for internal coastal waters;
- (2) open striped bass season established for the Atlantic Ocean; or
- (3) open striped bass season of another state without possession of the following:
 - (A) A bill of lading as described in 15A NCAC 03I .0114;
 - (B) A numbered, state-issued tag from the State of origin affixed through the mouth and gill cover. This tag must remain affixed until processed for consumption by the consumer.

(e) The management units and recreational fishery management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994; September 1, 1991;
Temporary Amendment Eff. May 1, 2000;
Amended Eff. October 1, 2008; October 1, 2004; April 1, 2001.*

15A NCAC 03M .0202 SEASON, SIZE AND HARVEST LIMIT: INTERNAL COASTAL WATERS

(a) It is unlawful to possess striped bass from the coastal fishing waters of the Cape Fear River and its tributaries.

(b) The Fisheries Director may, by proclamation, impose any or all the following restrictions on the taking of striped bass in a commercial fishing operation or for recreational purposes in internal coastal waters during the period from October 1 through April 30:

- (1) Specify fishing days and times,
- (2) Specify areas,
- (3) Specify quantity, except possession for recreational purposes shall not exceed:
 - (A) more than three fish in any one day in the Albemarle Sound Management Area as designated in 15A NCAC 03R .0201, and
 - (B) more than two fish in any one day in the joint and coastal fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
- (4) Specify means/methods,
- (5) Specify size, but the minimum size specified shall not be less than 18 inches total length, and
- (6) Require submission of statistical and biological data.

Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters from which taken regardless of condition.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; November 1, 1991;*

*Temporary Amendment Eff. September 1, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2008; August 1, 2000.*

15A NCAC 03M .0203 SIZE AND CREEL LIMIT: INTERNAL COASTAL WATERS

*History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Repealed Eff. November 1, 1991.*

15A NCAC 03M .0204 SEASON, SIZE AND HARVEST LIMIT: ATLANTIC OCEAN

It is unlawful to possess striped bass taken from the Atlantic Ocean less than the size limit as determined by the Atlantic States Marine Fisheries Commission in their Interstate Fisheries Management Plan for striped bass. The Fisheries Director shall issue proclamations necessary to bring North Carolina's size limit in compliance with the Interstate Fisheries Management Plan.

*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. October 1, 1996;
Amended Eff. October 1, 2008; July 1, 1998.*

15A NCAC 03M .0205 PROHIBITED TRAWLING

- (a) It is unlawful to possess striped bass on a vessel with a trawl net on that vessel in internal coastal waters except during transit from ocean fishing grounds to port during any open striped bass trawl season in the Atlantic Ocean established by proclamation. Striped bass so possessed must meet the minimum size limit set by proclamation.
- (b) It is unlawful to possess striped bass on a vessel in the Atlantic Ocean with a trawl net on that vessel except during any open striped bass trawl season in the Atlantic Ocean established by proclamation.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. December 1, 2007.*

15A NCAC 03M .0206 HYBRID STRIPED BASS CULTURE

Culture and sale of hybrid striped bass conducted in accordance with Rule 15A NCAC 10H Section .0700 of the North Carolina Wildlife Resources Commission shall be exempt from rules of the North Carolina Marine Fisheries Commission concerning striped bass.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03M .0512 COMPLIANCE WITH FISHERY MANAGEMENT PLANS

(a) In order to comply with management requirements incorporated in Federal Fishery Management Council Management Plans or Atlantic States Marine Fisheries Commission Management Plans or to implement state management measures, the Fisheries Director may, by proclamation, take any or all of the following actions for species listed in the Interjurisdictional Fisheries Management Plan:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means and methods; and
- (6) Require submission of statistical and biological data.

(b) Proclamations issued under this Rule shall be subject to approval, cancellation, or modification by the Marine Fisheries Commission at its next regularly scheduled meeting or an emergency meeting held pursuant to G.S. 113-221.1.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.4;
Eff. March 1, 1996;
Amended Eff. October 1, 2008.*

15A NCAC 03N .0101 SCOPE AND PURPOSE

To establish and protect those fragile estuarine and marine areas which support juvenile and adult populations of economically important fish species, as well as forage fish utilized in the food chain, the Rules in this Subchapter set forth permanent fish habitat areas in all coastal fishing waters as defined through extensive estuarine and marine survey sampling conducted by the Division.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. December 1, 2007.*

15A NCAC 03N .0106 ANADROMOUS FISH SPAWNING AREA BOUNDARIES

(a) Anadromous fish spawning areas are defined in 15A NCAC 03I .0101 and designated in 15A NCAC 03R .0115.

(b) Anadromous fish spawning areas described in 15A NCAC 03R .0115 encompass all waters, including tributaries from the described line in the direction indicated in Rule up to the headwaters of the waterbody or Inland-Coastal boundary lines, whichever area is first encountered and except when:

- (1) otherwise specified by 15A NCAC 03R .0115; or
- (2) the waterbody is impassable to fish migration due to manmade obstructions such as dams and causeways.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. December 1, 2007.*

15A NCAC 03O .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES

(a) It is unlawful for any individual to hold more than one Recreational Commercial Gear License.

(b) Recreational Commercial Gear Licenses shall only be issued to individuals.

*History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 113-134; 113-170.4; 113-173; 113-221; 143B-289.52;
Eff. February 1, 1995;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000.*

15A NCAC 03O .0302 AUTHORIZED GEAR

(a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid Recreational Commercial Gear License:

- (1) One seine 30 feet or over in length but not greater than 100 feet with a mesh length less than 2 1/2 inches when deployed or retrieved without the use of a vessel or any other mechanical methods. A vessel may be used only to transport the seine;
- (2) One shrimp trawl with a headrope not exceeding 26 feet in length per vessel.
- (3) With or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- (4) One multiple hook or multiple bait trotline up to 100 feet in length;

- (5) Gill Nets:
- (A) Not more than 100 yards of gill nets with a mesh length equal to or greater than 2 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required at all times;
 - (B) Not more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches except as provided in (C) of this Subparagraph. Attendance is required when used from one hour after sunrise through one hour before sunset in internal coastal fishing waters east and north of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance is required at all times in internal coastal fishing waters west and south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south of 77° 04.0000' W; and
 - (C) Not more than 100 yards of gill net may be used at any one time, except that when two or more Recreational Commercial Gear License holders are on board, a maximum of 200 yards may be used from a vessel;
 - (D) It is unlawful to possess aboard a vessel more than 100 yards of gill nets with a mesh length less than 5 1/2 inches and more than 100 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches identified as recreational commercial fishing equipment when only one Recreational Commercial Gear License holder is on board. It is unlawful to possess aboard a vessel more than 200 yards of gill nets with a mesh length less than 5 1/2 inches and more than 200 yards of gill nets with a mesh length equal to or greater than 5 1/2 inches identified as recreational commercial fishing equipment when two or more Recreational Commercial Gear License holders are on board;
- (6) A hand-operated device generating pulsating electrical current for the taking of catfish in the area described in 15A NCAC 03J .0304;
- (7) Skimmer trawls not exceeding 26 feet in total combined width.
- (8) One pound net used to take shrimp with each lead 10 feet or less in length and with a minimum lead net mesh of 1 1/2 inches, and enclosures constructed of net mesh of 1 1/4 inches or greater and with all dimensions being 36 inches or less. Attendance is required at all times and all gear must be removed from the water when not being fished. Gear is to be marked and set as specified in 15A NCAC 03J .0501.

(b) It is unlawful to use more than the quantity of authorized gear specified in Subparagraphs (a)(1) through (a)(8) of this Rule, regardless of the number of individuals aboard a vessel possessing a valid Recreational Commercial Gear License.

(c) It is unlawful for a person to violate the restrictions of or use gear other than that authorized by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries Commission.

*History Note: Authority G.S. 113-134; 113-173;
 Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. February 1, 1995;
 Temporary Amendment Eff. August 1, 1999; July 1, 1999;
 Amended Eff. August 1, 2000;
 Temporary Amendment Eff. August 1, 2000;
 Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005; August 1, 2002.*

15A NCAC 03O .0303 RECREATIONAL COMMERCIAL GEAR LICENSE POSSESSION LIMITS

- (a) It is unlawful to possess more than a single recreational possession limit when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a) is used, regardless of the number of persons on board.
- (b) It is unlawful to possess individual recreational possession limits in excess of the number of individuals aboard a vessel holding valid Recreational Commercial Gear Licences except as provided in Paragraph (f) of this Rule.
- (c) It is unlawful for any person who holds both a Recreational Commercial Gear License and a Standard or Retired Standard Commercial Fishing License and who is in possession of identified recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a), to exceed the single recreational possession limit.
- (d) It is unlawful for persons aboard a vessel collectively holding only one Recreational Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing License and who are in possession of any identified recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a), to exceed one recreational possession limit.
- (e) It is unlawful to possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a) is used.
- (f) It is unlawful to possess more than 96 quarts, heads on or 60 quarts, heads off, of shrimp if more than one person aboard a vessel possesses a valid Recreational Commercial Gear License and recreational commercial fishing equipment as defined in 15A NCAC 03O .0302(a) is used.

History Note: Authority G.S. 113-134; 113-170.4; 113-173; 143B-289.52;

Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule becomes

effective, whichever is sooner;

Eff. February 1, 1995;

Temporary Amendment Eff. June 7, 1998;

Amended Eff. April 1, 1999;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2006; August 1, 2000.

15A NCAC 03O .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

- (a) To obtain any Marine Fisheries permit, the following information is required for proper application from the applicant, a responsible party or person holding a power of attorney:
- (1) Full name, physical address, mailing address, date of birth, and signature of the applicant on the application. If the applicant is not appearing before a license agent or the designated Division contact, the applicant's signature on the application shall be notarized;
 - (2) Current picture identification of applicant, responsible party and, when applicable, person holding a power of attorney; acceptable forms of picture identification are driver's license, current North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card) or passport or if applying by mail, a copy thereof;
 - (3) Full names and dates of birth of designees of the applicant who shall be acting under the requested permit where that type permit requires listing of designees;
 - (4) Certification that the applicant and his designees do not have four or more marine or estuarine resource convictions during the previous three years;
 - (5) For permit applications from business entities, the following documentation is required:
 - (A) Business Name;
 - (B) Type of Business Entity: Corporation, partnership, or sole proprietorship;

- (C) Name, address and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
 - (D) For a corporation, current articles of incorporation and a current list of corporate officers when applying for a permit in a corporate name;
 - (E) For a partnership, if the partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit;
 - (F) For business entities, other than corporations, copies of current assumed name statements if filed and copies of current business privilege tax certificates, if applicable.
- (6) Additional information as required for specific permits.
- (b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:
- (1) Pound Net Permit;
 - (2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean; or
 - (3) Atlantic Ocean Striped Bass Commercial Gear Permit.
- (c) A permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a:
- (1) Permit to Transplant (Prohibited) Polluted Shellfish;
 - (2) Permit to Transplant Oysters from Seed Management Areas;
 - (3) Permit to Use Mechanical Methods for Oysters or Clams on Shellfish Leases or Franchises;
 - (4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or
 - (5) Depuration Permit.
- (d) A permittee shall hold a valid:
- (1) Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries Under a Quota/Allocation for that category; and
 - (2) Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to harvest clams or oysters for depuration.
- (e) Aquaculture Operations/Collection Permits:
- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
 - (2) The permittee or designees shall hold appropriate licenses from the Division of Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.
- (f) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) Application for an Atlantic Ocean Striped Bass Commercial Gear Permit must be made prior to November 1 of each year. A person shall declare one of the following gears for an initial Atlantic Ocean Striped Bass Commercial Gear Permit and at intervals of three consecutive license years thereafter:
 - (A) gill net;
 - (B) trawl; or
 - (C) beach seine.

For the purpose of this Rule, a beach seine is defined as a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place. Gear declarations are binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.
 - (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses or assignments held by the person.
 - (3) The annual, nonrefundable permit fee is ten dollars (\$10.00).
- (g) For Hire Fishing Permit:

- (1) The permittee shall hold a valid certification from the United States Coast Guard (USCG) that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers;
 - (2) The permittee shall provide valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (h) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.
- (i) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, 03J .0505, 03K .0103, 03K .0104, 03K .0107, 03K .0206, 03K .0303, 03K .0401, 03O .0502, and 03O .0503 as applicable to the requested permit.
- (j) The Fisheries Director, or his agent may evaluate the following in determining whether to issue, modify or renew a permit:
- (1) Potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
 - (2) Applicant's demonstration of a valid justification for the permit and a showing of responsibility as determined by the Fisheries Director;
 - (3) Applicant's history of habitual fisheries violations evidenced by eight or more violations in 10 years.
- (k) The applicant shall be notified in writing of the denial or modification of any permit request and the reasons therefore. The applicant may submit further information, or reasons why the permit should not be denied or modified.
- (l) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.
- (m) To renew a permit, the permittee shall file a certification that the information in the original application is still valid, or a statement of all changes in the original application and any additional information required by the Division of Marine Fisheries.
- (n) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.
- (o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address.
- (p) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.
- (q) Permit applications shall be available at all Division Offices.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001; Temporary Amendment Eff. October 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002.

15A NCAC 03O .0503 PERMIT CONDITIONS; SPECIFIC

- (b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:
- (1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for fish dealers issued such permit to fail to:
 - (A) Fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact

designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit but shall maintain a log furnished by the Division;

- (B) Submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
 - (C) Maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;
 - (D) Contact the dealer contact daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred;
 - (E) Record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.
- (2) Striped Bass Dealer Permit:
- (A) It is unlawful for a fish dealer to possess, buy, sell or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
 - (i) Atlantic Ocean;
 - (ii) Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; and
 - (iii) The joint and coastal fishing waters of the Central/Southern Management Area as designated in 15A NCAC 03R .0201.
 - (B) No permittee shall possess, buy, sell or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.
- (f) Aquaculture Operations/Collection Permits:
- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
 - (2) It is unlawful:
 - (A) To take marine and estuarine resources from coastal fishing waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.
 - (B) To sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.
 - (C) To fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.
 - (3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.
 - (4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.
 - (5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees who will be acting under an Aquaculture Collection Permit at the time of application.
- (g) Scientific or Educational Collection Permit:
- (1) It is unlawful for individuals or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect for scientific or educational purposes as

- approved by the Division of Marine Fisheries any marine and estuarine species without first securing a Scientific or Educational Collection Permit.
- (2) It is unlawful for persons who have been issued a Scientific or Educational Collection Permit to fail to submit a report on collections to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Collection Permits shall be issued on a calendar year basis.
 - (3) It is unlawful to sell marine and estuarine species taken under a Scientific or Educational Collection Permit:
 - (A) without the required license(s) for such sale;
 - (B) to anyone other than a licensed North Carolina fish dealer; and
 - (C) without authorization stated on the permit for such sale.
 - (4) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees who will be acting under Scientific or Educational Collection Permits at the time of application.
 - (5) The permittee or designees utilizing the permit shall call or fax the Division of Marine Fisheries Communications Center not later than 24 hours prior to use of the permit, specifying activities and location.
- (i) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
 - (2) It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.
- (k) For Hire Fishing Permit:
- (1) It is unlawful to operate a For Hire Vessel unless the vessel operator possesses either the For Hire Blanket Coastal Recreational Fishing License (CRFL) for the vessel as provided in 15A NCAC 03O .0112 or a Division of Marine Fisheries For Hire Fishing Permit for the vessel.
 - (2) It is unlawful for a For Hire vessel operator to operate under the For Hire Fishing Permit without:
 - (A) Holding the USCG certification required in 15A NCAC 03O .0501(g)(1);
 - (B) Having the For Hire Fishing Permit for the vessel or copy thereof in possession and ready at hand for inspection;
 - (C) Having current picture identification in possession and ready at hand for inspection.
 - (3) It is unlawful for the permittee to fail to notify the Division within five days of any changes to information provided on the permit.
 - (4) It is unlawful to fail to display a current For Hire Fishing Permit decal mounted on an exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.
 - (5) The For Hire Fishing Permit is valid for one year from the date of issuance.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52; Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000; Eff. April 1, 2001; Amended Eff. April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004; August 1, 2004; August 1, 2002.

15A NCAC 03Q .0101 SCOPE AND PURPOSE

The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set forth guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations applicable in joint waters that can

be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03Q .0102 INLAND FISHING WATERS

Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by wildlife enforcement officers.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03Q .0103 COASTAL FISHING WATERS

Coastal fishing waters are the Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish (exclusive of spotted seatrout, weakfish, and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries Commission regarding fishing in coastal waters are enforced by fisheries enforcement officers. Regulations regarding inland game fish in coastal fishing waters are enforced by wildlife enforcement officers unless otherwise agreed to by the Wildlife Resources Commission.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. January 1, 1991.*

15A NCAC 03Q .0107 SPECIAL REGULATIONS: JOINT WATERS

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 03Q .0106:

- (1) Striped Bass
 - (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).
 - (b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
 - (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area.
 - (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.

- (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.
- (f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.
- (g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint waters except as authorized by rules of the Marine Fisheries Commission.
- (2) Lake Mattamuskeet:
 - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
 - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
- (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes or electrical fishing device within 800 feet of the dam at Lock No.1 on the Cape Fear River.
- (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. July 1, 1993; November 1, 1991;
 Temporary Amendment Eff. May 1, 2000;
 Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000.*

15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS

- (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.
- (b) In order to effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to establish two management areas; the Albemarle Sound Management Area and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock in the coastal, joint and inland waters of the Albemarle Sound Management Area. The annual quota for recreational harvest of the Albemarle-Roanoke striped bass stock shall be divided equally between the two management areas. Each commission shall implement management actions for recreational harvest within their respective management areas that will be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan.

*History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
 Eff. January 1, 1991;
 Amended Eff. October 1, 2004; September 1, 1991.*

15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING

The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management actions for recreational fishing pursuant to their respective rule-making powers. To preserve jurisdictional authority of each Commission, the following means are established through which management measures can be implemented by a single instrument in the following management areas:

- (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits whether inland or joint fishing waters shall be vested in the Wildlife Resources Commission. An instrument closing any

management area in joint waters shall operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River management area.

- (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area, shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

*History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2004; September 1, 1991.*

15A NCAC 03R .0201 STRIPED BASS MANAGEMENT AREAS

(a) The Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet, north of a line beginning at a point 35° 48 .5015'N - 75° 44 .1228'W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710'N - 75° 31 .0520'W on the north point of Eagle Nest Bay.

(b) The Roanoke River Management Area is designated as Roanoke River and its joint and inland tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.

(c) The Central/Southern Management Area is designated as all internal coastal, and joint and contiguous inland waters south of a line beginning at a point 35° 48 .5015'N - 75° 44 .1228'W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710'N - 75° 31 .0520'W on the north point of Eagle Nest Bay, to the South Carolina line.

*History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;
Eff. October 1, 2004.*

4.6.3.2 Wildlife Resources Commission Rules

North Carolina Inland Fishing Waters Regulations – 15A NCAC

15A NCAC 10C .0101 SCOPE AND PURPOSE

The following rules pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters and joint fishing waters. These rules are adopted jointly by the MFC and the NCWRC. In addition to the classification of the waters of the state these joint rules set forth guidelines to determine which fishing activities in joint waters are regulated by the MFC and which are regulated by the NCWRC. Finally, the joint rules set forth special fishing regulations applicable in joint waters that can be enforced by officers of the NCDMF and the NCWRC. These regulations do not affect the jurisdiction of the MFC and the NCWRC in any matters other than those specifically set out.

*History Note: Authority G.S. 113-134; 113-132; 113-136;
Eff. February 1, 1976;
Amended Eff. January 1, 1977.*

15A NCAC 10C .0102 INLAND FISHING WATERS

Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of fishing in inland fishing waters is

under the jurisdiction of the Wildlife Resources Commission. Regulations and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced by wildlife enforcement officers.

Note: A private pond is a body of water arising within and lying wholly upon the lands of a single owner or a single group of joint owners or tenants in common, and from which fish cannot escape, and into which fish of legal size cannot enter from public waters at any time. This does not include any impoundment located on land owned by a public body or governmental entity.

*History Note: Authority G.S. 113-134; 113-129; 113-132;
Eff. February 1, 1976;
Amended Eff. January 1, 1977.*

15A NCAC 10C .0103 COASTAL FISHING WATERS

Coastal fishing waters are the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under the jurisdiction of the Marine Fisheries Commission; except that inland game fish (exclusive of spotted sea trout, red drum, flounder, white perch, yellow perch, weakfish, and striped bass) are subject to regulations by the Wildlife Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries Commission regarding fishing in coastal waters are enforced by marine fisheries inspectors. Regulations regarding inland game fish in coastal waters are enforced by wildlife protectors unless otherwise agreed to by the Wildlife Resources Commission.

*History Note: Authority G.S. 113-129; 113-132; 113-134; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1991; January 1, 1977.*

15A NCAC 10C .0104 JOINT FISHING WATERS

Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters. All waters which are tributary to joint fishing waters and which are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters. The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 10C .0106.

*History Note: Authority G.S. 113-132; 113-134; 113-292;
Eff. February 1, 1976;
Amended Eff. January 1, 1977.*

15A NCAC 10C .0105 POSTING DIVIDING LINES

The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs insofar as may be practicable. Unmarked and undesignated tributaries shall have the same classification as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of any regulations pertaining to any such body of water or portion thereof.

*History Note: Authority G.S. 113-132; 113-134;
Eff. January 1, 1977.*

15A NCAC 10C .0106 APPLICABILITY OF REGULATIONS: JOINT WATERS

(a) All coastal fishing laws and regulations administered by the Department of Environment, Health, and Natural Resources and the Marine Fisheries Commission apply to joint waters except as otherwise provided, and shall be enforced by fisheries enforcement officers.

(b) The following inland fishing laws and regulations administered by the Wildlife Resources Commission apply to joint waters and shall be enforced by wildlife enforcement officers:

- (1) all laws and regulations pertaining to inland game fishes,
- (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
- (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

*History Note: Authority G.S. 113-132; 113-134; 113-271; 113-275; 113-292;
Eff. January 1, 1977;
Amended Eff. April 1, 1990; April 15, 1979.*

15A NCAC 10C .0107 SPECIAL REGULATIONS: JOINT WATERS

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 10C .0106:

- (1) Striped Bass
 - (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).
 - (b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
 - (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area.
 - (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.
 - (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.
 - (f) Possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.
 - (g) It is unlawful to engage in net fishing for striped bass or their hybrids in joint waters except as authorized by rules of the Marine Fisheries Commission.
- (2) Lake Mattamuskeet
 - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
 - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
- (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes or electrical fishing device within 800 feet of the dam at Lock No. 1 on the Cape Fear River.
- (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

*History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;
Eff. January 1, 1977;
Amended Eff. July 1, 2008; May 1, 2005; August 1, 2000; July 1, 1993; November 1, 1991; January 1, 1991; August 1, 1985.*

15A NCAC 10C .0108 SPECIFIC CLASSIFICATION OF WATERS

The several sounds and estuarine and tributary waters all or portions of which are specifically classified as inland, joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission are listed in the regulations of the Marine Fisheries Commission under 15A NCAC 3Q .0200 and such list and classification is incorporated herein by reference, shall include any later amendments, and is made a part of this Section to the same extent as if the same were fully set forth herein.

*History Note: Authority G.S. 113-129; 113-132; 113-134; 150B-14;
Eff. January 1, 1977;
Amended Eff. July 1, 1993; January 1, 1981; January 1, 1978.*

15A NCAC 10C .0110 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS

(a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.

(b) In order to effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to establish two management areas: the Albemarle Sound Management Area and the Roanoke River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock in the coastal, joint and inland waters of the Albemarle Sound Management Area. The annual quota for recreational harvest of the Albemarle Sound-Roanoke River striped bass stock shall be divided equally between the two management areas. Each Commission shall implement management actions for recreational harvest within their respective management areas that shall be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan.

*History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;
Eff. January 1, 1991;
Amended Eff. June 1, 2005.*

15A NCAC 10C .0111 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING

The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management plans for recreational fishing pursuant to their respective rulemaking powers. To preserve jurisdictional authority of each Commission, the following means are established through which management measures can be implemented by a single instrument in the following management areas:

- (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint waters shall operate as a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River Management Area.
- (2) In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by Marine Fisheries Commission proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.

*History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;
Eff. January 1, 1991;
Amended Eff. June 1, 2005.*

SECTION .0200 - GENERAL REGULATIONS

15A NCAC 10C .0201 IDENTIFICATION

It is unlawful to fish without having on one's person a means of identification indicating the current residence of such person.

*History Note: Authority G.S. 113-134; 113-276.1;
Eff. February 1, 1976.*

15A NCAC 10C .0209 TRANSPORTATION OF LIVE FISH

(a) Fish Transport: It shall be unlawful for any person, firm, or corporation to transport live freshwater nongame fishes, or live game fishes in excess of the possession limit, or fish eggs without having in possession a permit obtained from the North Carolina Wildlife Resources Commission.

(b) Fish Stocking: It shall be unlawful for any person, firm, or corporation to stock any life stage of any species of fish in the inland fishing waters of this State without having first procured a stocking permit from the North Carolina Wildlife Resources Commission.

(c) Permits for stocking fish shall be issued as follows:

- (1) Application for a stocking permit shall be made on a form provided by the Commission. The applicant shall specify the purpose for the stocking, species to be stocked, the source of the stock, the number of individual specimens to be released, and the location where release is desired.
- (2) Before issuing a stocking permit, the Executive Director shall review the application and determine, based on principles of wildlife management and biological science, that the proposed stocking will not:
 - (A) threaten the introduction of epizootic disease or
 - (B) create a danger to or an imbalance in the environment inimical to the conservation of wildlife resources.
- (3) Based on the determination made in Subparagraph (2):
 - (A) If the Executive Director determines that either or both conditions cannot be met under any circumstances, the application shall be denied.
 - (B) If the Executive Director determines that both conditions may be met only by the introduction of fewer than the number requested, a permit only for the number that may be safely released shall be issued.
 - (C) If the Executive Director determines that the number requested may be safely released, he shall issue the permit.
- (4) Any stocking permit issued by the Commission may impose the following conditions or restrictions:
 - (A) Location where the permitted number of fish may be stocked.
 - (B) Certification that fish are free of certifiable diseases by the vendor or a laboratory qualified to make such determination.
 - (C) Documentation of the date, time and location of the release.
 - (D) Access by the Commission to the property where fish introductions occur to assess impacts of the introduction.
 - (E) All conditions required shall be included in writing on the permit.
- (5) Based on the criteria in Subparagraph (2), no permit shall be issued to stock any of the following species in the areas indicated:

SPECIES	LOCATION
Salmonids except brown, brook, and rainbow trout	Statewide
Flathead catfish	Statewide

(d) For purposes of this Rule, stocking is the introduction or attempted introduction of one or more individuals of a particular species of live fish into public waters for any purpose other than:

- (1) As bait affixed to a hook and line, or

- (2) A release incidental to "catch and release" fishing in an area within the same body of water where the fish was caught, or within an adjacent body of water not separated from that body by any natural or manmade obstruction to the passage of that species.
- (e) The release of more than the daily creel limit, or if there is no established creel limit for the species, more than five individuals of the species, shall constitute prima facie evidence of an intentional release.

*History Note: Authority G.S. 113-134; 113-135; 113-274; 113-292;
Eff. February 1, 1976;
Amended Eff. June 1, 2005.*

15A NCAC 10C .0213 SNAGGING FISH

It is unlawful to take fish from any inland fishing waters by snagging. As used in this Rule, "snagging" means pulling or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish thereon.

*History Note: Authority G.S. 113-134; 113-292;
Eff. January 1, 1977;
Amended Eff. July 1, 1989; January 1, 1981; January 1, 1979; January 1, 1978.*

15A NCAC 10C .0215 REPLACEMENT COSTS OF WILDLIFE RESOURCES - FISH

(a) Replacement Costs Distinguished. As it applies to fishes the term "replacement costs" must be distinguished from the "value" of the fish concerned. Except in cases where fish may lawfully be sold on the open market, as with commercially reared species, the monetary value of the specimens cannot be determined easily. The degree of special interest or concern in a particular species by the public, including not only anglers, but conservationists and those to whom the value of fishes is primarily aesthetic, cannot be measured in dollar amounts. The average cost per fish legally taken by anglers including travel and lodging, fishing equipment and bait, excise taxes on equipment, licenses and other fees, may fairly be estimated. This too, however, is a reflection of the value of existing fishery resources rather than a measure of the cost of their replacement. Thus, the relative value of fish species should be considered only as they may bear on the necessity or desirability of actual replacement.

(b) Factors to be Considered. The factors which should be considered in determining the replacement costs of resident species of fishes that have been taken, injured, removed, harmfully altered, damaged, or destroyed include the following:

- (1) whether the species is classified as endangered or threatened;
- (2) the relative frequency of occurrence of the species in the state;
- (3) the extent of existing habitat suitable for the species within the state;
- (4) the dependency of the species on unique habitat requirements;
- (5) the cost of improving and maintaining suitable habitat for the species;
- (6) the cost of capturing the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;
- (7) the cost of propagating and rearing the species in a hatchery and the cost of transporting them to areas of suitable habitat with low populations;
- (8) the availability of the species and the cost of acquisition for restocking purposes;
- (9) the cost of those species which, when released, have a probability of survival in the wild;
- (10) the ratio between the natural life expectancy of the species and the period of its probable survival when, having been reared in a hatchery, it is released to the wild;
- (11) the change in the value of money as reflected by the consumer price index.

(c) Costs of Replacement. Based on the factors listed in Paragraph (b) of this Rule, including the June, 1980, consumer price index of 247.6 percent of the 1967 base, the following fishes are listed with the estimated replacement cost:

<u>Cost</u>	<u>Specie</u>	<u>Weight</u>	<u>Replacement</u>
	Striped bass and Bodie bass	up to 5 lbs.	\$25/fish
		5 lbs. to 10 lbs.	\$20/lb.
		10 lbs. to 20 lbs.	\$25/lb.
		Over 20 lbs.	\$30/lb.

White bass	up to 2 lbs.	\$10/fish	
	Over 2 lbs.	\$10/lb.	
Largemouth bass	Up to 2 lbs.		\$10/fish
	2 lbs. to 7 lbs.		\$10/lb.
	Over 7 lbs.	\$20/lb.	
Smallmouth bass and other black bass	Up to 2 lbs.		\$10/fish
	2 lbs. to 4 lbs.		\$10/lb.
	Over 4 lbs.	\$20/lb.	
Walleye	Up to 2 lbs.		\$10/fish
	2 lbs. to 5 lbs.		\$10/lb.
	Over 5 lbs.	\$20/lb.	
Muskellunge	Up to 1 lb.	\$30/fish	
	Over 1 lb.	\$30/lb.	
Sunfish	All Sizes		\$5/fish
Crappie	All Sizes		\$10/fish
Catfish (Channel, Blue and Flathead)	Up to 1 lb.		\$5/fish
1 lb. to 20 lbs.		\$5/lb.	
	Over 20 lbs.	\$10/lb.	
Trout (Wild)	Up to 7 in.	\$10/fish	
	7 in. to 13 in.	\$15/fish	
	Over 13 in.		\$30/lb.
Trout (Hatchery)	7 in. to 13 in.		\$5/fish
	Over 13 in.	\$10/lb.	
All Other Game Fish	All Sizes		\$5/fish
All Other Non-Game Fish	All Sizes		\$2.50/fish

(d) Cost of Investigations. The factors to be considered and the computation of costs are as specified in 15A NCAC 10B .0117.

*History Note: Authority G.S. 113-134; 113-267;
Eff. December 1, 1993.*

SECTION .0300 - GAME FISH

15A NCAC 10C .0301 INLAND GAME FISHES DESIGNATED

The following fishes are classified and designated as inland game fishes:

- (1) mountain trout, all species including but not limited to rainbow, brown and brook trout;
- (2) muskellunge, chain (jack) and redbfin pickerel;
- (3) yellow perch, when found in inland waters, walleye and sauger;
- (4) black bass, including largemouth, smallmouth, spotted and redeye bass;
- (5) black and white crappie;
- (6) sunfish, including bluegill (bream), redbreast (robin), redear (shellcracker), pumpkinseed, warmouth, rock bass, (redeye), flier, Roanoke bass, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule;

- (7) spotted sea trout (speckled trout), when found in inland fishing waters;
- (8) flounder, when found in inland fishing waters;
- (9) red drum (channel bass, red fish, puppy drum), when found in inland fishing waters;
- (10) striped bass, white bass, white perch and Morone hybrids (striped bass-white bass), when found in inland fishing waters;
- (11) American and hickory shad, when found in inland fishing waters;
- (12) kokanee salmon.

History Note: Authority G.S. 113-134; 113-129; Eff. February 1, 1976; Amended Eff. June 1, 2005; June 1, 2004; July 1, 1996; July 1, 1990; July 1, 1983; January 1, 1981; January 1, 1980.

15A NCAC 10C .0302 MANNER OF TAKING INLAND GAME FISHES

- (a) Except as provided in this Rule, it is unlawful for any person to take inland game fishes from any of the waters of North Carolina by any method other than with hook and line. Landing nets may be used to land fishes caught on hook and line. Game fishes taken incidental to commercial fishing operations in joint fishing waters or coastal fishing waters shall be immediately returned to the water unharmed. Game fishes taken incidental to the use of licensed special devices for taking nongame fishes from inland fishing waters as authorized by 15A NCAC 10C .0407 shall be immediately returned to the water unharmed, except that a daily creel limit of American and hickory shad may be taken with dip nets and bow nets from March 1 through April 30 in those waters where such gear may be lawfully used.
- (b) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless hook or a lure with a single barbless hook may be used from 1 April to 30 June. Barbless as used in this Rule, requires that the hook does not have a barb or the barb is bent down.

History Note: Authority G.S. 113-134; 113-273; 113-292; 113-302; Eff. February 1, 1976; Amended Eff. July 1, 1996; October 1, 1994; July 1, 1993; May 1, 1992; January 1, 1982; Temporary Amendment Eff. November 1, 1998; Amended Eff. August 1, 2002; April 1, 1999.

15A NCAC 10C .0304 TAKING AND POSSESSION OF INLAND GAME FISHES

- (a) It is unlawful to take in one day more than the daily creel limit of those species of inland game fish having a specified creel limit; to possess more fish than the daily creel limit in effect on those waters being fished; to possess any fish outside of the size limit in effect on those waters being fished; to possess more fish than the daily creel limit while boating or afield; or to possess at any place more than three days creel limit. It is unlawful to destroy unnecessarily any inland game fish taken from public fishing waters.
- (b) No person while fishing shall remove the head or tail or otherwise change the appearance of any game fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any game fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1991; July 1, 1988; January 1, 1981.

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

- (a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

		DAILY
CREEL	MINIMUM	

GAME FISHES

LIMITS

SIZE LIMITS

OPEN

SEASON

(b) Exceptions (that apply to striped bass and their hybrids)

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam and in John H. Kerr Reservoir the creel limit on striped bass and Morone hybrids is two in the aggregate and the minimum size limit is 26 inches from October 1 through May 31. From June 1 through September 30 the daily creel limit on striped bass and Morone hybrids is four in aggregate with no minimum size limit.
- (2) In the Cape Fear River upstream of Buckhorn Dam and the Deep and Haw rivers to the first impoundment and in B. Everett Jordan Reservoir the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches. In Lake Gaston and Roanoke Rapids Reservoir the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 20 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30. In Lake Norman the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 16 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30.
- (5) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95, subject to the exceptions listed in this Paragraph, the daily creel limit for striped bass and their hybrids is two fish in aggregate. The minimum length limit is 18 inches and no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches may be possessed. In these waters, the season for taking and possessing striped bass is closed from May 1 through September 30. In the inland fishing waters of the Cape Fear River and its tributaries, the season for taking and possessing striped bass is closed year-round. In the Pee Dee River and its tributaries from the South Carolina line upstream to Blewett Falls Dam, the season for taking and possessing striped bass and their hybrids is open year-round, the daily creel limit is three fish in aggregate and the minimum length limit is 18 inches.
- (6) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and their hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for striped bass and their hybrids is two fish in aggregate, the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit. Only one fish larger than 27 inches may be retained in the daily creel limit.
- (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (4), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.
- (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- (16)

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;

Eff. February 1, 1976;
 Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;
 Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;
 Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;
 Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;
 Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;
 Temporary Amendment Eff. November 1, 1998;
 Amended Eff. April 1, 1999;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. July 1, 2000;
 Temporary Amendment Eff. July 1, 2001;
 Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent amendment effective July 1, 2002 and approved by RRC in May 2001];
 Amended Eff. August 1, 2002 (approved by RRC in April 2002);
 Temporary Amendment Eff. June 1, 2003;
 Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);
 Amended Eff. August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

SECTION .0500 – PRIMARY NURSERY AREAS

15A NCAC 10C .0501 SCOPE AND PURPOSE

To establish and protect those fragile inland waters which support embryonic, larval or juvenile populations of marine or estuarine fish or crustacean species. These Rules will set forth permanent nursery areas in inland fishing waters. Nursery areas are necessary for the early growth and development of virtually all of North Carolina's important marine or estuarine fish or crustacean species. Nursery areas need to be maintained, as much as possible, in their natural state, and the fish and crustacean populations within them must be permitted to develop in a normal manner with as little interference from man as possible.

History Note: Authority G.S. 113-132; 113-134;
 Eff. September 1, 1990;
 Amended Eff. July 1, 2000.

15A NCAC 10C .0502 PRIMARY NURSERY AREAS DEFINED

Primary nursery areas are defined as those areas inhabited by the embryonic, larval or juvenile life stages of marine or estuarine fish or crustacean species due to favorable physical, chemical or biological factors.

History Note: Authority G.S. 113-132; 113-134;
 Eff. August 1, 1990;
 Amended Eff. July 1, 2000.

15A NCAC 10C .0503 DESCRIPTIVE BOUNDARIES

The following waters have been designated as primary nursery areas:

- (1) North River:
- (a) Broad Creek Camden County Entire stream;
- (b) Deep Creek Currituck County Entire stream;
- (c) Lutz Creek Currituck County Entire stream.

- (2) Alligator River:
 - (a) East Lake Dare County Inland waters portion;
 - (b) Little Alligator River Tyrrell County Entire stream.
- (3) Currituck Sound:
 - (a) Martin Point Creek Dare County Entire stream (Jean Guite Creek);
 - (b) Tull Creek and Bay Currituck County Tull Bay to mouth of Northwest River; Tull Creek from mouth upstream to SR 1222 bridge.
- (4) Pamlico River:
 - (a) Duck Creek Beaufort County Entire stream;
 - (b) Bath Creek Beaufort County Entire stream;
 - (c) Mixons Creek Beaufort County Entire stream;
 - (d) Porter Creek Beaufort County Entire stream;
 - (e) Tooleys Creek Beaufort County Entire stream;
 - (f) Jacobs Creek Beaufort County Entire stream;
 - (g) Jacks Creek Beaufort County Entire stream;
 - (h) Bond Creek Beaufort County Entire stream;
 - (i) Muddy Creek Beaufort County Entire stream;
 - (j) Strawhorn Creek Beaufort County Entire stream;
 - (k) South Prong Wright Creek Beaufort County Entire stream;
 - (l) Jordan Creek Beaufort County Entire stream.
- (5) Neuse River:
 - (a) Slocum Creek Craven County Entire stream;
 - (b) Hancock Creek Craven County Entire stream.
- (6) New River:
 - (a) French Creek Onslow County Entire stream;
 - (b) New River Onslow County US Highway 17 bridge to NC 24/US 258 bridge.
- (7) Roanoke River: Halifax and Northampton counties - US 258 bridge to Roanoke Rapids dam.
- (8) Tar-Pamlico River: Nash, Edgecombe, Pitt and Beaufort counties - N&S railroad at Washington upstream to Rocky Mount Mills Dam.
- (9) Neuse River: Wake, Johnston, Wayne, Lenoir, Pitt and Craven counties - Pitchkettle Creek upstream to Milburnie Dam.
- (10) Cape Fear River: Chatham, Lee, Harnett, Cumberland and Bladen counties - Lock and Dam No. 1 upstream to Buckhorn Dam.
- (11) Albemarle Sound: Peter Mashoes Creek – Dare County – Entire Stream.
- (12) Croatan Sound: Spencer Creek – Dare County – Entire Stream.
- (13) White Oak River: Onslow and Jones counties – Grants Creek upstream to Gibson Bridge Road (SR 1118).
- (14) Northeast Cape Fear River: Pender County – NC 210 bridge upstream to NC 53 bridge.

History Note: Authority G.S. 113 132; 113 134;
 Eff. August 1, 1990;
 Amended Eff. May 1, 2008; November 1, 2007; August 1, 2004; July 1, 2000; July 1, 1993.

SECTION .0600 - ANADROMOUS FISH SPAWNING AREAS

15A NCAC 10C .0601 SCOPE AND PURPOSE

To establish and protect those inland waters which function as spawning areas for anadromous fishes. These Rules will set forth anadromous fish spawning areas in inland fishing waters. Anadromous fish spawning areas are necessary for the spawning and early development of North Carolina's important anadromous fishes. Anadromous fish spawning areas provide the physical, biological, and chemical attributes necessary for anadromous fishes to spawn successfully.

History Note: Authority G.S. 113-132; 113-134;
 Eff. May 1, 2008.

15A NCAC 10C .0602 ANADROMOUS FISH SPAWNING AREAS DEFINED

Anadromous fish spawning areas are those areas where evidence of spawning of anadromous fishes has been documented by direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.

*History Note: Authority G.S. 113-132; 113-134;
Eff. May 1, 2008.*

15A NCAC 10C .0603 DESCRIPTIVE BOUNDARIES

The following waters have been designated as anadromous spawning areas:

- (1) Currituck Sound Area:
 - (a) Northwest River including designated tributaries - main stem waters west of a line beginning on the north shore at a point 36° 30.8374' N – 76° 04.8770' W; running southerly to the south shore to a point 36° 30.7061' N – 76° 04.8916' W; and south of a line beginning on the west shore at a point 36° 33.0259' N – 76° 09.1609' W; running easterly to the east shore to a point 36° 33.0292' N – 76° 08.9488' W; including the following tributary from the confluence with Northwest River in the direction indicated to the specified boundary: Moyock Run (Shingle Landing Creek) - upstream (southwest) to a line beginning on the west shore at a point 36° 31.5252' N – 76° 10.7385' W; running easterly along US 168 (Caratoke Highway) to the east shore to a point 36° 31.5140' N – 76° 10.7239' W.
 - (b) Tull Creek - southwest of a line beginning on the north shore at a point 36° 30.0991' N – 76° 04.8587' W; running southeasterly to the south shore to a point 36° 29.9599' N – 76° 04.7126' W; including the following tributaries from their confluence with Tull Creek to the specified boundary:
 - (i) Roland Creek - upstream (northwest) to a line beginning on the north shore at a point 36° 29.8274' N – 76° 08.1294' W; running southerly to the south shore to a point 36° 29.8120' N – 76° 08.1308' W; and east of a line beginning on the northwest shore of Guinea Mill Run Canal at a point 36° 28.9227' N – 76° 07.9126' W; running southerly along US 168 bridge (Caratoke Highway) to the southeast shore at a point 36° 28.9045' N – 76° 07.8956' W.
 - (ii) New Bridge Creek - upstream (south) to a line beginning on the northwest shore at a point 36° 28.0046' N – 76° 06.3312' W; running southeasterly along US 168 bridge (Caratoke Highway) to the southeast shore to a point 36° 27.9970' N – 76° 06.3243' W.
 - (iii) Cowells Creek - upstream (south) to a line beginning on the west shore at a point 36° 27.1571' N – 76° 04.5391' W; running easterly along US 168 bridge (Caratoke Highway) to the east shore to a point 36° 27.1542' N – 76° 04.5128' W.
 - (iv) Buckskin Creek - upstream (southeast) to a line beginning on the west shore at a point 36° 27.1925' N – 76° 04.1671' W; running easterly along US 168 bridge (Caratoke Highway) to the east shore to a point 36° 27.1989' N – 76° 04.1400' W.
 - (c) West Landing - north of a line beginning on the west shore at a point 36° 30.9867' N – 76° 02.5868' W; running easterly to the east shore to a point 36° 31.0045' N – 76° 02.3780' W; and west of a line beginning on the north shore at a point 36° 31.5828' N – 76° 02.2977' W; running southerly to the south shore to a point 36° 31.5618' N – 76° 02.2870' W.
- (2) Albemarle Sound Area:
 - (a) Big Flatty Creek - west of a line beginning on the north shore at a point 36° 09.3267' N – 76° 08.2562' W; running southerly to the south shore to a point 36° 08.9730' N – 76° 08.3175' W; including the following tributaries from the confluence with Big Flatty Creek in the direction indicated to the specified boundary:

- (i) Chapel Creek - upstream (northwest) to a line beginning on the north shore at a point 36° 09.6689' N – 76° 09.9595' W; running southerly along SSR 1103 (Esclip Road) to the south shore to a point 36° 09.6522' N – 76° 09.9612' W.
- (ii) Mill Dam Creek - upstream (southwest) to a line beginning on the north shore at a point 36° 09.0094' N – 76° 10.1667' W; running southerly along SSR 1103 (Esclip Road) to the south shore to a point 36° 08.9931' N – 76° 10.1611' W.
- (b) Salmon Creek - southwest of a line beginning on the north shore at a point 36° 00.4648' N – 76° 42.3513' W; running southeasterly to the south shore to a point 36° 00.3373' N – 76° 42.1499' W; and south of a line beginning on the west shore at a point 36° 02.4783' N – 76° 45.8164' W; running easterly to the east shore to a point 36° 02.4807' N – 76° 45.7906' W.
- (c) Mackeys (Kendrick) Creek - southeast of a line beginning on the north shore at a point 35° 56.3806' N – 76° 36.4356' W; running southwesterly to the south shore to a point 35° 56.3122' N – 76° 36.4613' W; and northwest of a line beginning on the southwest shore at a point 35° 52.5564' N – 76° 37.0968' W; running northeasterly along SSR 1122 bridge (Buncombe Avenue) to the northeast shore to a point 35° 52.5470' N – 76° 37.1113' W; including the following tributary from its confluence with Mackeys Creek in the direction indicated to the specified boundary: Main Canal - upstream (southeast) to a line beginning on the southwest shore at a point 35° 52.8229' N – 76° 36.6916' W; running northeasterly along SSR 1122 (Buncombe Avenue) to the northeast shore to a point 35° 52.8390' N – 76° 36.6708' W.
- (d) Deep Creek (Washington County) - west of a line beginning on the north shore at a point 35° 56.1291' N – 76° 23.1179' W; running southerly to the south shore to a point 35° 56.0744' N – 76° 23.1230' W; and east of a line beginning on the north shore at a point 35° 55.4610' N – 76° 25.3996' W; running southerly along SSR 1302 bridge (Pea Ridge Road) to the south shore to a point 35° 55.4323' N – 76° 25.3974' W; and east of line beginning on the north shore at a point 35° 55.7173' N – 76° 25.3848' W; running southerly along SSR 1302 bridge (Pea Ridge Road) to the south shore to a point 35° 55.6863' N – 76° 25.3957' W.
- (e) Banton (Bunton or Maybell) Creek - south of a line beginning on the west shore at a point 35° 56.0552' N – 76° 22.0664' W; running northeasterly to the east shore to a point 35° 56.1151' N – 76° 21.8760' W; and northeast of a line beginning on the west shore at a point 35° 55.6117' N – 76° 22.2463' W; running easterly to the east shore to a point 35° 55.6128' N – 76° 22.2126' W.
- (f) Tom Mann Creek - south of a line beginning on the west shore at a point 35° 58.5296' N – 75° 52.8982' W; running easterly to the east shore to a point 35° 58.5175' N – 75° 53.6851' W.
- (g) Peter Mashoes Creek - west of a line beginning on the north shore at a point 35° 57.2344' N – 75° 48.3087' W; running southerly to the south shore to a point 35° 56.7805' N – 75° 48.3563' W.
- (3) North River, including Indiantown Creek and other designated tributaries - main stem waters west of a line beginning on the north shore at a point 36° 18.7703' N – 75° 58.7384' W; running southerly to the south shore to a point 36° 18.4130' N – 75° 58.7228' W; and south of a line beginning on the west shore at a point 36° 21.7982' N – 76° 07.0726' W; running easterly along US 158 bridge to the east shore to a point 36° 21.8030' N – 76° 07.0612' W; including the following tributary from the confluence with North River in the direction indicated to the specified boundary: Crooked Creek - upstream (west) to a line beginning on the north shore at a point 36° 18.7171' N – 76° 01.4361' W; running southerly to the south shore to a point 36° 18.7002' N – 76° 01.4296' W.
- (4) North River Area: Bump Landing Creek - east of a line beginning on the north shore at a point 36° 19.3757' N – 75° 57.9057' W; running southerly to the south shore to a point 36° 19.2496' N – 75° 57.9107' W; and west of a line beginning on the north shore at a

point 36° 19.4049' N – 75° 57.4963' W; running southeasterly to the south shore to a point 36° 19.3830' N – 75° 57.5098' W.

- (a) Narrow Ridges Creek - east of a line beginning on the north shore at a point 36° 18.3249' N – 75° 57.8910' W; running southerly to the south shore to a point 36° 18.1388' N – 75° 57.9029' W; and west of a line beginning on the north shore at a point 36° 18.1566' N – 75° 57.4879' W; running southeasterly to the south shore to a point 36° 18.1221' N – 75° 57.5095' W.
 - (b) Great Creek - west of a line beginning on the north shore at a point 36° 18.1045' N – 75° 58.4289' W; running southerly to the south shore to a point 36° 17.9882' N – 75° 58.4458' W; and northeast of a line beginning on the north shore at a point 36° 17.1310' N – 76° 00.3414' W; running southeasterly to the south shore to a point 36° 17.1163' N – 76° 00.3310' W. On the north shore of Great Creek within the fourth tributary: south of a line beginning on the west shore at a point 36° 18.1729' N – 75° 58.9137' W; running southeasterly to the south shore to a point 36° 18.1640' N – 75° 58.9022' W.
 - (c) Deep Creek - east of a line beginning on the north shore at a point 36° 17.1576' N – 75° 56.7594' W; running southerly to the south shore to a point 36° 16.9846' N – 75° 56.6802' W; and south of a line beginning on the west shore at a point 36° 17.9515' N – 75° 56.5174' W; running easterly to the east shore to a point 36° 17.9523' N – 75° 56.5042' W.
 - (d) Public Creek - west of a line beginning on the north shore at a point 36° 17.2462' N – 75° 58.2774' W; running southerly to the south shore to a point 36° 17.2121' N – 75° 58.2788' W; and northeast of a line beginning on the north shore at a point 36° 17.1661' N – 75° 58.6059' W; running southeasterly to the south shore to a point 36° 17.1574' N – 75° 58.6003' W.
- (5) Pasquotank River including designated tributaries - main stem waters north of a line beginning on the west shore at a point 36° 18.0769' N – 76° 13.0979' W; running easterly along the south side of the US 158 bridge to the east shore to a point 36° 18.0594' N – 76° 12.9620' W and south of a line at South Mills beginning on the west shore at a point 36° 26.7432' N – 76° 19.6666' W; running easterly along US 17 business (Main Street) to the east shore to a point 36° 26.7642' N – 76° 19.5932' W; and southeast of a line beginning on the northeast shore at a point 36° 26.1777' N – 76° 22.1079' W; running southwesterly to the southwest shore to a point 36° 26.1693' N – 76° 22.1257' W; including the following tributaries from their confluence with the Pasquotank River in the direction indicated to the specified boundary:
- (a) Joyce Creek - upstream (northeast) to a line beginning on the north shore at a point 36° 26.8329' N – 76° 17.6174' W; running southwesterly along SSR 1224 bridge (Old Swamp Road) to the south shore to a point 36° 26.8103' N – 76° 17.6193' W.
 - (b) Sawyers Creek - upstream (northeast) to a line beginning on the northeast shore at a point 36° 21.7237' N – 76° 10.2841' W; running southwesterly along SSR 1203 bridge (Scotland Road) to the southwestern shore to a point 36° 21.7115' N – 76° 10.3041' W.
 - (c) Knobbs Creek - upstream (northwest) to a line beginning on the northwest shore at a point 36° 18.5172' N – 76° 14.5920' W; running southeasterly along SSR 1309 bridge (Main Street Extended) to the southeast shore to a point 36° 18.4973' N – 76° 14.5729' W.
- (6) Pasquotank River Area:
- (a) Charles Creek - south of a line beginning on the west shore at a point 36° 17.8090' N – 76° 13.0732' W; running easterly to the east shore to a point 36° 17.8024' N – 76° 13.0407' W; and northeast of a line beginning on the northwest shore at a point 36° 17.4713' N – 76° 13.2227' W; running southeasterly along NC 34 (Road Street) to the southeast shore to a point 36° 17.4565' N – 76° 13.2140' W.
 - (b) Areneuse Creek and Mill Dam Creek - north of a line beginning on the west shore at a point 36° 17.3133' N – 76° 08.1655' W; running southeasterly along

- NC 343 bridge to the east shore to a point 36° 17.1328' N – 76° 07.6269' W; and southwest of a line beginning on the west shore of Mill Dam Creek at a point 36° 18.5994' N – 76° 07.8672' W; running southeasterly to the east shore to a point 36° 18.5991' N – 76° 07.8379' W; and southwest of a line beginning on the northwest shore of Areneuse Creek at a point 36° 18.0342' N – 76° 06.9433' W, running southeasterly along NC 343 bridge to the southeast shore to a point 36° 18.0196' N – 76° 06.9245' W.
- (c) Portohonk Creek - northeast of a line beginning on the west shore at a point 36° 15.0519' N – 76° 05.2793' W; running southeasterly to the east shore to a point 36° 15.0391' N – 76° 05.2532' W; and south of a line beginning on the west shore at a point 36° 16.2809' N – 76° 04.8223' W; running easterly along NC 343 bridge to the east shore to a point 36° 16.2794' N – 76° 04.8051' W.
- (d) New Begun Creek - west of a line beginning on the north shore at a point 36° 13.3298' N – 76° 08.2878' W; running southerly to the south shore to a point 36° 13.0286' N – 76° 08.1820' W; and southeast of a line beginning on the northeast shore at a point 36° 12.5577' N – 76° 10.3998' W; running southwesterly along NC 34 bridge (Weeksville Road) to the southwest shore to a point 36° 12.5467' N – 76° 10.4186' W; and northeast of a line beginning on the northeast shore at a point 36° 12.3280' N – 76° 10.4934' W; running northwesterly to the northwest shore to a point 36° 12.3067' N – 76° 10.5438' W.
- (7) Little River including designated tributaries - main stem waters northwest of a line beginning on the west shore at a point 36° 12.2950' N – 76° 17.1405' W; running southeasterly to the east shore to a point 36° 12.5237' N – 76° 16.9418' W; and south of a line beginning on the west shore at a point 36° 16.9826' N – 76° 23.1763' W; running easterly along SSR 1223 (Five Bridges Road, Perquimans County) and SSR 1303 (Cherry Glade Road, Pasquotank County) bridge to the east shore to a point 36° 16.9840' N – 76° 23.1570' W; including the following tributary from the confluence with Little River in the direction indicated to the specified boundary: Halls Creek - upstream (northeast) to a line beginning on the northwest shore at a point 36° 13.2067' N – 76° 16.5769' W; running southeasterly along SSR 1140 (Halls Creek Road) to the southeast shore to a point 36° 13.1944' N – 76° 16.5523' W.
- (8) Little River Area:
- (a) Deep Creek - southwest of a line beginning on the north shore at a point 36° 11.0945' N – 76° 16.6717' W; running southeasterly to the south shore to a point 36° 10.7510' N – 76° 16.2258' W; and south of a line beginning on the west shore at a point 36° 10.2553' N – 76° 18.7639' W; running easterly to the east shore to a point 36° 10.2633' N – 76° 18.7267' W.
- (b) Symonds Creek - northeast of a line beginning on the north shore at a point 36° 10.2898' N – 76° 14.1801' W; running southeasterly to the south shore to a point 36° 10.2042' N – 76° 14.0368' W; and south of a line beginning on the west shore at a point 36° 11.4843' N – 76° 13.7218' W; running easterly along SSR 1100 bridge (Nixonton Road) to the east shore to a point 36° 11.4839' N – 76° 13.7028' W.
- (9) Perquimans River including designated tributaries - main stem waters southwest of a line beginning on the west shore at a point 36° 11.6569' N – 76° 28.0055' W; running southeasterly along the US 17 business bridge (Church Street) to the east shore to a point 36° 11.6123' N – 76° 27.9382' W; and west of a line beginning on the north shore at a point 36° 18.8942' N – 76° 31.1905' W; running southeasterly to the south shore to a point 36° 18.8723' N – 76° 31.1734' W; and south of a line beginning on the west shore at a point 36° 18.9514' N – 76° 32.6510' W; running easterly along SSR 1202 bridge (Perry Bridge Road) to the east shore to a point 36° 18.9361' N – 76° 32.6584' W; including the following tributary from the confluence with the Perquimans River in the direction indicated to the specified boundary: Goodwin Creek - upstream (west) to a line beginning on the northwest shore at a point 36° 11.2807' N – 76° 33.6243' W; running southerly along SSR 1110 bridge (Center Hill Highway) to the southeast shore to a point 36° 11.2585' N – 76° 33.5755' W; and north to a line beginning on the west shore at a

- point 36° 11.0494' N – 76° 32.3409' W; running easterly along SSR 1110 bridge (Center Hill Highway) to the east shore to a point 36° 11.0383' N – 76° 32.2780' W.
- (10) Perquimans River Area:
- (a) Mill Creek - north of a line beginning on the west shore at a point 36° 11.9757' N – 76° 27.5752' W; running easterly to the east shore to a point 36° 11.9766' N – 76° 27.2511' W; and southwest of a line beginning on the northwest shore at a point 36° 13.2910' N – 76° 26.6778' W; running southeasterly along SSR 1214 bridge (Lake Road) to the southeast shore to a point 36° 13.2762' N – 76° 26.6580' W.
 - (b) Walter's Creek - southwest of a line beginning on the north shore at a point 36° 11.1305' N – 76° 27.9185' W; running southeasterly to the south shore to a point 36° 11.0224' N – 76° 27.6626' W; and northeast of a line beginning on the northeast shore at a point 36° 10.0498' N – 76° 28.4208' W; running southwesterly along US 17 to the southwest shore to a point 36° 10.0408' N – 76° 28.4354' W.
 - (c) Suttons Creek - north of a line beginning on the west shore at a point 36° 10.0394' N – 76° 23.7945' W; running southeasterly to the east shore to a point 36° 09.9325' N – 76° 23.5263' W; and south of a line beginning on the west shore at a point 36° 11.5101' N – 76° 23.6253' W; running easterly along SSR 1300 bridge (New Hope Road) to the east shore to a point 36° 11.5081' N – 76° 23.6060' W.
 - (d) Jackson (Cove) Creek - northeast of a line beginning on the north shore at a point 36° 08.4642' N – 76° 20.3324' W; running southeasterly to the east shore to a point 36° 08.4159' N – 76° 20.2890' W; and southwest of a line beginning on the northwest shore at a point 36° 08.6083' N – 76° 20.1512' W; running southeasterly to the southeast shore to a point 36° 08.6007' N – 76° 20.1312' W.
 - (e) Muddy Creek - northwest of a line beginning on the north shore at a point 36° 07.0381' N – 76° 17.1350' W; running southeasterly to the east shore to a point 36° 07.0218' N – 76° 17.1226' W; and south of a line beginning on the west shore at a point 36° 07.5922' N – 76° 16.8153' W; running easterly to the east shore to a point 36° 07.5933' N – 76° 16.7757' W.
- (11) Yeopim River including designated tributaries - main stem waters west of a line beginning on the north shore at a point 36° 05.4526' N – 76° 27.7651' W; running southerly to the south shore to Norcum Point 36° 05.1029' N – 76° 27.7120' W; and southeast of a line beginning on the north shore at a point 36° 05.1202' N – 76° 29.5050' W; running southwesterly to a point 36° 05.0644' N – 76° 29.5586' W; and running easterly to the east shore to a point 36° 05.0571' N – 76° 29.4657' W; including the following tributaries from the confluence with Yeopim River in the direction indicated to the specified boundary:
- (a) Yeopim Creek - upstream (north) to a line beginning on the west shore at a point 36° 07.4416' N – 76° 26.4833' W; running easterly along SSR 1347 (Holiday Island Road) to the east shore to a point 36° 07.4409' N – 76° 26.4667' W.
 - (b) Bethel Creek - upstream (north) to a line beginning on the southwest shore at a point 36° 07.1208' N – 76° 29.3581' W; running northeasterly to the northeast shore to a point 36° 07.1724' N – 76° 29.2818' W.
 - (c) Burnt Mill Creek - upstream (northwest) to a line beginning on the northeast shore at a point 36° 05.7727' N – 76° 32.6234' W; running southwesterly along US 17 to the southwest shore to a point 36° 05.7663' N – 76° 32.6374' W.
 - (d) Middleton Creek - upstream (southeast) to a line beginning on the northwest shore at a point 36° 04.2913' N – 76° 30.2613' W; running southeasterly along SSR 1100 bridge (Drummond Point Road) to the southeast shore to a point 36° 04.2813' N – 76° 30.2460' W; and northeast of a line beginning on the northwest shore at a point 36° 04.0714' N – 76° 29.5779' W; running southeasterly along SSR 1100 (Drummond Point Road) to the southeast shore to a point 36° 04.0639' N – 76° 29.5583' W.
- (12) Edenton Bay Area:

- (a) Pembroke Creek (Pollock Swamp) - northwest of a line beginning on the west shore at a point $36^{\circ} 03.2819' N - 76^{\circ} 37.0138' W$; running northeasterly to the east shore to a point $36^{\circ} 03.4185' N - 76^{\circ} 36.6783' W$; and west of a line beginning on the north shore at a point $36^{\circ} 08.1216' N - 76^{\circ} 37.7846' W$; running southerly along SSR 1316 bridge (Greenhall Road) to the south shore to a point $36^{\circ} 08.1035' N - 76^{\circ} 37.7818' W$.
 - (b) Queen Anne Creek - east of a line beginning on the north shore at a point $36^{\circ} 03.3757' N - 76^{\circ} 36.3629' W$; running southerly to the south shore to a point $36^{\circ} 03.3551' N - 76^{\circ} 36.3574' W$; and southwest of a line beginning on the northwest shore at a point $36^{\circ} 03.5719' N - 76^{\circ} 35.0968' W$; running southeasterly along NC 32 bridge (Yeopim Road) to the southeast shore to a point $36^{\circ} 03.5659' N - 76^{\circ} 35.0796' W$.
- (13) Chowan River Area:
- (a) Buckhorn Creek (Hertford County) - north of a line beginning on the west shore at a point $36^{\circ} 31.9519' N - 76^{\circ} 55.2580' W$; running easterly to the east shore to a point $36^{\circ} 31.9628' N - 76^{\circ} 55.2429' W$; and east of a line beginning on the north shore at a point $36^{\circ} 31.9443' N - 76^{\circ} 55.8902' W$; running southerly to the south shore to a point $36^{\circ} 31.9099' N - 76^{\circ} 55.8904' W$.
 - (b) Somerton Creek - north of a line beginning on the west shore at a point $36^{\circ} 31.7177' N - 76^{\circ} 54.8327' W$; running easterly to the east shore to a point $36^{\circ} 31.7143' N - 76^{\circ} 54.7810' W$; and south of the NC/VA state line.
 - (c) Meherrin River Area:
 - (i) Vaughan's Creek (Kirby's Creek) - west of a line beginning on the north shore at a point $36^{\circ} 28.3541' N - 77^{\circ} 05.6259' W$; running southerly to the south shore to a point $36^{\circ} 28.3307' N - 77^{\circ} 05.6369' W$; and east of a line beginning on the north shore at a point $36^{\circ} 28.7019' N - 77^{\circ} 08.7566' W$; running southerly along SSR 1362 bridge (Watson Mill Road) to the south shore to a point $36^{\circ} 28.6834' N - 77^{\circ} 08.7593' W$; and northeast of a line beginning on the northwest shore at a point $36^{\circ} 28.0921' N - 77^{\circ} 08.5719' W$; running southeasterly along SSR 1362 bridge (Watson Mill Road) to the southeast shore to a point $36^{\circ} 28.0787' N - 77^{\circ} 08.5557' W$. Turkey Creek - from the confluence with Vaughan's Creek upstream; and northeast of a line beginning on the northwest shore at a point $36^{\circ} 27.8047' N - 77^{\circ} 07.7316' W$; running southeasterly along SSR 1363 (Turkey Branch Road, Northampton County) and SSR 1300 bridge (Wise Store Road, Hertford County) to the southeast shore to a point $36^{\circ} 27.7957' N - 77^{\circ} 07.7170' W$.
 - (ii) Potecasi Creek - southwest of a line beginning on the west shore at a point $36^{\circ} 26.1234' N - 76^{\circ} 57.5262' W$; running southeasterly to the east shore to a point $36^{\circ} 26.1005' N - 76^{\circ} 57.4960' W$; and east of a line beginning on the north shore at a point $36^{\circ} 22.1250' N - 77^{\circ} 05.3109' W$; running southerly along SSR 1160 bridge (Spring Avenue) to the south shore to a point $36^{\circ} 22.1035' N - 77^{\circ} 05.3220' W$.
 - (A) Old Tree Swamp - from the confluence with Potecasi Creek upstream to a line beginning on the west shore at a point $36^{\circ} 22.5909' N - 77^{\circ} 04.0382' W$; running easterly along SSR 1167 bridge (Beaver Dam Road) to the east shore to a point $36^{\circ} 22.5895' N - 77^{\circ} 04.0192' W$.
 - (B) Cutawhiskie Creek - from the confluence with Potecasi Creek upstream to a line beginning on the northwest shore at a point $36^{\circ} 21.2751' N - 77^{\circ} 04.3761' W$; running southeasterly along SSR 1137 bridge (Liverman Mill Road) to the southeast shore to a point $36^{\circ} 21.2583' N - 77^{\circ} 04.3461' W$.
 - (d) Mud Creek - north of a line beginning on the west shore at a point $36^{\circ} 23.5134' N - 76^{\circ} 53.9131' W$; running easterly to the east shore to a point $36^{\circ} 23.5132' N - 76^{\circ} 53.8815' W$; and east of a line beginning on the north shore at a point 36°

- 23.6287' N – 76° 53.8782' W; running southerly to the south shore to a point 36° 23.5943' N – 76° 53.8784' W.
- (e) Catherine Creek (Hertford County) - south of a line beginning on the west shore at a point 36° 22.9579' N – 76° 53.1994' W; running southeasterly to the east shore to a point 36° 22.9456' N – 76° 53.1742' W; and north of a line beginning on the west shore at a point 36° 22.7142' N – 76° 53.1872' W; running easterly to the east shore to a point 36° 22.7209' N – 76° 53.1631' W.
 - (f) Buckhorn Creek (Run Off Swamp) (Gates County) - north of a line beginning on the west shore at a point 36° 22.9682' N – 76° 51.9172' W; running easterly to the east shore to a point 36° 22.9614' N – 76° 51.8870' W; and east of a line beginning on the north shore at a point 36° 23.3321' N – 76° 52.0233' W; running southerly to the south shore to a point 36° 23.3101' N – 76° 52.0244' W.
 - (g) Spikes Creek - northwest of a line beginning on the west shore at a point 36° 22.6515' N – 76° 50.8882' W; running northeasterly to the east shore to a point 36° 22.6684' N – 76° 50.8493' W; and east of a line beginning on the north shore at a point 36° 22.9574' N – 76° 51.4953' W; running southerly to the south shore to a point 36° 22.9419' N – 76° 51.4959' W.
 - (h) Barnes Creek - north of a line beginning on the west shore at a point 36° 21.8820' N – 76° 48.6419' W; running easterly to the east shore to a point 36° 21.8978' N – 76° 48.5902' W; and east of a line beginning on the north shore at a point 36° 22.8208' N – 76° 50.0931' W; running southerly to the south shore to a point 36° 22.7839' N – 76° 50.0941' W.
 - (i) Shingle (Island) Creek - north of a line beginning on the north shore of the western most entrance into Chowan River at a point 36° 21.8449' N – 76° 48.0940' W; running southeasterly to the south shore to a point 36° 21.7831' N – 76° 48.0427' W. At the eastern most entrance to the creek: north of a line beginning of the west shore at a point 36° 21.8469' N – 76° 47.2668' W; running northeasterly to the east shore to a point 36° 21.9062' N – 76° 47.1862' W.
 - (j) Sarem Creek - east of a line beginning on the north shore at a point 36° 21.7259' N – 76° 46.4085' W; running southerly to the south shore to a point 36° 21.6748' N – 76° 46.4392' W; and southeast of a line beginning on the southwest shore at a point 36° 25.0514' N – 76° 49.4791' W; running northeasterly along SSR 1118 bridge (Taylors Road) to the northeast shore to a point 36° 25.0710' N – 76° 49.4657' W; including the following tributary from the confluence with Sarem Creek in the direction indicated to the specified boundary: Cole Creek - upstream (northeast) to a line beginning on the west shore at a point 36° 24.5075' N – 76° 47.0641' W; running easterly along NC 37 bridge to the east shore to a point 36° 24.5048' N – 76° 47.0397' W.
 - (k) Hodges Creek - west of a line beginning on the north shore at a point 36° 21.2459' N – 76° 46.3421' W; running southerly to the south shore to a point 36° 21.1823' N – 76° 46.3243' W; and east of a line beginning on the north shore at a point 36° 21.1597' N – 76° 46.6073' W; running southerly to the south shore to a point 36° 21.1309' N – 76° 46.6084' W.
 - (l) Wiccacon River including designated tributaries - west of a line beginning on the north shore at a point 36° 20.5439' N – 76° 45.4550' W; running southeasterly to the south shore to a point 36° 20.4684' N – 76° 45.3392' W; and east of a line beginning on the northeast shore at a point 36° 19.0196' N – 76° 53.5596' W; running southwesterly to the southwest shore to a point 36° 18.9936' N – 76° 53.5751' W; including the following tributaries from their confluence with Wiccacon River in the direction indicated to the specified boundary:
 - (i) Ahoskie Creek - upstream (south) to a line beginning on the west shore at a point 36° 16.4860' N – 76° 54.1172' W; running easterly along NC 561 to the east shore to a point 36° 16.4796' N – 76° 54.0933' W.
 - (ii) Chinkapin Creek - upstream (southwest) to a line beginning on the northwest shore at a point 36° 15.1763' N – 76° 50.9758' W; running

- southeasterly along SSR 1432 bridge (Big Mill Road) to the southeast shore to a point 36° 15.1671' N – 76° 50.9567' W.
- (m) Beef Creek - north of a line beginning on the west shore at a point 36° 20.3235' N – 76° 44.6401' W; running easterly to the east shore to a point 36° 20.3070' N – 76° 44.5797' W; and east of a line beginning on the north shore at a point 36° 20.9720' N – 76° 44.7930' W; running southerly to the south shore to a point 36° 21.0058' N – 76° 44.7931' W.
 - (n) Goose Creek - west of a line beginning on the north shore at a point 36° 19.5838' N – 76° 44.5971' W; running southerly to the south shore to a point 36° 19.5375' N – 76° 44.5925' W; and northeast of a line beginning on the west shore at a point 36° 19.9806' N – 76° 45.2656' W; running easterly to the east shore to a point 36° 19.9799' N – 76° 45.2356' W.
 - (o) Swain Mill (Taylor Pond) Creek - west of a line beginning on the north shore at a point 36° 18.5808' N – 76° 43.4729' W; running southerly to the south shore to a point 36° 18.5616' N – 76° 43.4706' W; and northeast of a line beginning on the northwest shore at a point 36° 18.5029' N – 76° 43.5882' W; running southeasterly along SSR 1441 bridge (Swain Mill Road) to the southeast shore to a point 36° 18.4906' N – 76° 43.5694' W.
 - (p) Bennetts Creek - north of a line beginning on the west shore at a point 36° 18.3499' N – 76° 42.0286' W; running northeasterly to the east shore to a point 36° 18.4057' N – 76° 41.6986' W; and southwest of a line beginning on the northwest shore at a point 36° 25.9349' N – 76° 41.9859' W; running southeasterly along the Merchants Mill Pond Dam to the southeast shore to a point 36° 25.9154' N – 76° 41.9530' W.
 - (q) Catherine Creek including designated tributaries -main stem waters northeast of a line beginning on the west shore at a point 36° 18.1011' N – 76° 41.1286' W; running southeasterly to the east shore to a point 36° 17.9413' N – 76° 40.8627' W; including the following tributaries from the confluence with Catherine Creek in the direction indicated to the specified boundary:
 - (i) Trotman Creek - upstream (northwest) to a line beginning on the north shore at a point 36° 20.8213' N – 76° 38.1714' W; running southerly along NC 32 bridge to the south shore to a point 36° 20.7989' N – 76° 38.1646' W.
 - (ii) Warwick Creek - upstream (northeast) to a line beginning on the north shore at a point 36° 19.8212' N – 76° 38.0409' W; running southerly along NC 32 bridge to the south shore to a point 36° 19.7833' N – 76° 38.0235' W.
 - (r) Stumpy Creek - east of a line beginning on the north shore at a point 36° 16.6440' N – 76° 40.4251' W; running southerly to the south shore to a point 36° 16.6255' N – 76° 40.4196' W; and west of a line beginning on the north shore at a point 36° 16.7331' N – 76° 39.9154' W; running southerly along SSR 1232 bridge (Cannon Ferry Road) to the south shore to a point 36° 16.7220' N – 76° 39.9220' W.
 - (s) Dillard (Indian) Creek - east of a line beginning on the north shore at a point 36° 14.2234' N – 76° 41.5901' W; running southerly to the south shore to a point 36° 14.2023' N – 76° 41.5855' W; and west of a line beginning on the north shore at a point 36° 13.7727' N – 76° 40.3878' W; running southerly along SSR 1226 (Dillards Mill Road) to the south shore to a point 36° 13.7592' N – 76° 40.3875' W.
 - (t) Keel (Currituck) Creek - north of a line beginning on the west shore at a point 36° 14.1245' N – 76° 44.1961' W; running easterly to the east shore to a point 36° 14.0899' N – 76° 43.8533' W; and south of a line beginning on the west shore at a point 36° 15.2755' N – 76° 43.5077' W; running easterly to the east shore to a point 36° 15.2746' N – 76° 43.4750' W.
 - (u) Rocky Hock Creek - east of a line beginning on the west shore at a point 36° 06.5662' N – 76° 41.3108' W; running southeasterly to the east shore to a point

- 36° 06.6406' N – 76° 41.4512' W; and southwest of a line beginning on the northwest shore at a point 36° 08.3485' N – 76° 39.9790' W; running southeasterly along the face of Bennett Mill Pond Dam to the southeast shore to a point 36° 08.3353' N – 76° 39.9603' W.
- (14) Cashie River including designated tributaries - main stem waters west of a line beginning on the north shore at a point 35° 54.7865' N – 76° 49.0521' W; running southerly to the south shore to a point 35° 54.6691' N – 76° 49.0553' W; and east of a line beginning on the north shore at a point 36° 05.7521' N – 77° 04.0494' W; running southerly along SSR 1260 bridge (Republican Road) to the south shore to a point 36° 05.7171' N – 77° 04.0344' W; including the following tributaries from their confluence with Cashie River in the direction indicated to the specified boundary:
- (a) Connarista Swamp - upstream (north) to a line beginning on the west shore at a point 36° 06.4489' N – 77° 02.4658' W; running easterly along SSR 1221 bridge (Charles Taylor Road) to the east shore to a point 36° 06.4501' N – 77° 02.4236' W.
 - (b) Whiteoak Swamp - upstream (northeast) to a line beginning on the northwest shore at a point 36° 04.6654' N – 76° 58.5841' W; running southeasterly along US 13 to the southeast shore to a point 36° 04.6480' N – 76° 58.5676' W.
 - (c) Chiska Creek - upstream (west) to a line beginning on the north shore at a point 36° 02.5659' N – 77° 02.3636' W; running southerly along SSR 1112 bridge (Roquist Pocosin Road) to the south shore to a point 36° 02.5463' N – 77° 02.3730' W.
 - (d) Hoggard Mill Creek - upstream (north) to a line beginning on the northwest shore at a point 36° 01.5828' N – 76° 56.9799' W; running southeasterly along the Hoggard Mill Pond Dam to the southeast shore to a point 36° 01.5479' N – 76° 56.9556' W.
 - (e) Roquist Creek - upstream (west) to a line beginning on the northeast shore at a point 36° 00.6453' N – 77° 02.8441' W; running southwesterly along SSR 1112 bridge (Roquist Pocosin Road) to the southwest shore to a point 36° 00.6119' N – 77° 02.8719' W.
 - (f) Wading Place Creek - upstream (east) to a line beginning on the west shore at a point 35° 58.1755' N – 76° 53.0010' W; running easterly along NC 308 bridge (Cooper Hill Road) to the east shore to a point 35° 58.1631' N – 76° 52.9542' W.
- (15) Cashie River Area:
- (a) Broad Creek - south of a line beginning on the west shore at a point 35° 55.0568' N – 76° 45.2632' W; running easterly to the east shore to a point 35° 55.0543' N – 76° 45.1309' W.
 - (b) Grennel Creek - east of a line beginning on the north shore at a point 35° 55.3147' N – 76° 44.5010' W; running southerly to the south shore to a point 35° 55.2262' N – 76° 44.5495' W.
 - (c) Cashoke Creek - west of a line beginning on the north shore at a point 35° 56.2934' N – 76° 44.1769' W; running southwesterly to the south shore to a point 35° 56.2623' N – 76° 44.1993' W; and east of a line beginning on the north shore at a point 35° 56.3383' N – 76° 44.5958' W; running southerly along NC 45 bridge to the south shore to a point 35° 56.2839' N – 76° 44.5836' W.
- (16) Roanoke River including designated tributaries - main stem waters northwest of a line beginning on the west shore at a point 36° 12.5264' N – 77° 23.0223' W; running northeasterly along the south side of the US 258 bridge to the east shore to a point 36° 12.5674' N – 77° 22.9724' W; to the base of the Roanoke Rapids Dam; including the following tributary from the confluence with Roanoke River in the direction indicated to the specified boundary: Bridgers Creek - upstream (northeast) to a line beginning on the west shore at a point 36° 15.0786' N – 77° 22.3766' W; running easterly to the east shore to a point 36° 15.0846' N – 77° 22.3083' W.
- (17) Roanoke River Area:
- (a) Kehukee Swamp - west of a line beginning on the north shore at a point 36° 05.1942' N – 77° 18.9596' W; running southwesterly to the south shore to a point

- 36° 05.1670' N – 77° 18.9761' W; and south of a line beginning on the northeast shore at a point 36° 05.7019' N – 77° 19.3686' W; running southwesterly to the southwest shore to a point 36° 05.6909' N – 77° 19.3902' W.
- (b) Wire Gut - north of a line beginning on the west shore at a point 36° 00.9580' N – 77° 13.0755' W; running easterly to the east shore to a point 36° 00.9542' N – 77° 13.0320' W; and east of a line beginning on the north shore at a point 36° 01.4294' N – 77° 13.6239' W; running southerly to the south shore to a point 36° 01.3873' N – 77° 13.6270' W.
- (c) Apple Tree Creek - east of a line beginning on the north shore at a point 36° 00.4174' N – 77° 12.3252' W; running southeasterly to the south shore to a point 36° 00.3987' N – 77° 12.3088' W; and south of a line beginning on the west shore at a point 36° 02.3508' N – 77° 13.6900' W; running easterly to the east shore to a point 36° 02.3497' N – 77° 13.6055' W; and east of a line beginning on the north shore at a point 36° 01.9425' N – 77° 12.4225' W; running southerly to the south shore to a point 36° 01.9066' N – 77° 12.4222' W.
- (d) Indian Creek - east of a line beginning on the north shore at a point 35° 59.0794' N – 77° 11.4926' W; running southerly to the south shore to a point 35° 59.0597' N – 77° 11.4967' W; and southwest of a line beginning on the northwest shore at a point 36° 03.5103' N – 77° 10.6537' W; running southeasterly along SSR 1108 bridge (Indian Woods Road) to the southeast shore to a point 36° 03.4917' N – 77° 10.6402' W; and west of a line beginning on the north shore at a point 36° 02.3940' N – 77° 09.3722' W; running southerly along SSR 1108 bridge (Indian Woods Road) to the south shore to a point 36° 02.3787' N – 77° 09.3711' W.
- (e) Prices Gut - west of a line beginning on the north shore at a point 35° 57.3701' N – 77° 11.9815' W; running southerly to the south shore to a point 35° 57.3552' N – 77° 11.9796' W; and east of a line beginning on the north shore at a point 35° 57.4077' N – 77° 12.0401' W; running southerly to the south shore to a point 35° 57.3763' N – 77° 12.0135' W.
- (f) Rainbow Gut - south of a line beginning on the west shore at a point 35° 55.9334' N – 77° 11.3246' W; running easterly to the east shore to a point 35° 55.9275' N – 77° 11.3136' W.
- (g) Coniott Creek including designated tributaries - main stem west of a line beginning on the north shore at a point 35° 56.6562' N – 77° 04.2860' W; running southwesterly to the south shore to a point 35° 56.6397' N – 77° 04.3066' W; and southeast of a line beginning on the northeast shore at a point 35° 59.4139' N – 77° 08.2158' W; running southwesterly along SSR 1122 bridge (Broad Neck Road) to the southwest shore to a point 35° 59.3976' N – 77° 08.2491' W; including the following tributary from the confluence with Coniott Creek in the direction indicated to the specified boundary: Frog Level Swamp - upstream to a line beginning on the north shore at a point 35° 58.0087' N – 77° 06.3447' W; running southerly to the south shore to a point 35° 57.9223' N – 77° 06.3483' W.
- (h) Conoho Creek - north of a line beginning on the west shore at a point 35° 52.5439' N – 77° 02.6673' W; running easterly to the east shore to a point 35° 52.5407' N – 77° 02.6280' W; and southeast of a line beginning on the northeast shore at a point 35° 58.3271' N – 77° 17.6825' W; running southwesterly along NC 11 bridge to the southwest shore to a point 35° 58.3096' N – 77° 17.7006' W.
- (i) Sweetwater Creek including designated tributaries - main stem east of a line beginning on the west shore at a point 35° 51.6464' N – 77° 00.5090' W; running southeasterly to the east shore to a point 35° 51.6252' N – 77° 00.4879' W; and northwest of a line beginning on the northeast shore at a point 35° 48.6186' N – 77° 02.0173' W; running southwesterly along SSR 1501 bridge (Big Mill Road) to the southwest shore to a point 35° 48.5968' N – 77° 02.0311' W; including the following tributary from the confluence with Sweetwater Creek in the direction indicated to the specified boundary: Peter Swamp - upstream (southeast) to a line beginning on the west shore at a point 35° 49.0798' N – 77° 00.2510' W; running easterly to the east shore to a point 35° 49.0705' N – 77° 00.2118' W.

- (j) Unnamed Tributary (upstream of Old Mill Creek) - northwest of a line beginning on the northeast shore at a point 35° 53.9775' N – 76° 56.6431' W; running southwesterly to the southwest shore to a point 35° 53.9913' N – 76° 56.6238' W; and southeast of a line beginning on the northeast shore at a point 35° 54.1143' N – 76° 56.8761' W; running southwesterly along SSR 1542 bridge (Bertie County) to the southwest shore to a point 35° 54.0927' N – 76° 56.8956' W.
- (k) Old Mill Creek - north of a line beginning on the west shore at a point 35° 53.9483' N – 76° 55.3921' W; running southeasterly to the east shore to a point 35° 53.9378' N – 76° 55.3710' W; and south of a line beginning on the west shore at a point 35° 54.3010' N – 76° 55.0492' W; running easterly along SSR 1518 bridge (Bertie County) to the east shore to a point 35° 54.3085' N – 76° 55.0164' W.
- (l) Gardner Creek - south of a line beginning on the west shore at a point 35° 50.1599' N – 76° 56.0211' W; running easterly to the east shore to a point 35° 50.1633' N – 76° 55.9899' W; and north of a line beginning on the west shore at a point 35° 48.4791' N – 76° 55.9768' W; running easterly to the east shore to a point 35° 48.4834' N – 76° 55.9378' W.
- (m) Cut Cypress Creek - northeast of a line beginning on the north shore at a point 35° 51.9465' N – 76° 53.5762' W; running southeasterly to the south shore to a point 35° 51.9229' N – 76° 53.5556' W.
- (n) Roses Creek - southeast of a line beginning on the north shore at a point 35° 50.1683' N – 76° 50.9664' W; running southwesterly to the south shore to a point 35° 50.1363' N – 76° 56.9907' W; and north of a line beginning on the west shore at a point 35° 49.5501' N – 76° 50.7358' W; running easterly to the east shore to a point 35° 49.5649' N – 76° 50.6674' W.
- (o) Broad Creek - west of a line beginning on the north shore at a point 35° 52.5191' N – 76° 50.4235' W; running southerly to the south shore to a point 35° 52.4262' N – 76° 50.3791' W.
- (p) Welch Creek - south of a line beginning on the west shore at a point 35° 51.8458' N – 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to the east shore to a point 35° 51.8840' N – 76° 45.6207' W; and north of a line beginning on the west shore at a point 35° 49.7473' N – 76° 47.1058' W; running easterly to the east shore to a point 35° 49.7506' N – 76° 47.0778' W.
- (q) Conaby Creek - south of a line beginning on the west shore at a point 35° 55.3779' N – 76° 42.4401' W; and running easterly to the east shore to a point 35° 55.3752' N – 76° 42.3408' W; north of a line beginning on the southwest shore at a point 35° 51.6443' N – 76° 44.5188' W; running northeasterly to the northeast shore to a point 35° 51.6538' N – 76° 44.4926' W.
- (18) Scuppernong River including designated tributaries - main stem waters south of a line beginning on the west shore at a point 35° 54.0158' N – 76° 15.4605' W; running easterly to the east shore to a point 35° 54.0406' N – 76° 15.3007' W; and east of a line beginning on the north shore at a point 35° 51.6231' N – 76° 26.1210' W; running southerly to the south shore to a point 35° 51.5952' N – 76° 26.1178' W; including the following tributaries from their confluence with Scuppernong River in the direction indicated to the specified boundary:
 - (a) First Creek (Rider's Creek) - upstream (south) to a line beginning on the north shore at a point 35° 53.5116' N – 76° 14.0222' W; running southerly along NC 94 bridge to the south shore to a point 35° 53.4948' N – 76° 14.0125' W.
 - (b) Second Creek - upstream (south) to a line beginning on the north shore at a point 35° 53.0541' N – 76° 15.1132' W; running southerly along SSR 1105 (Bodwell Road) to the south shore to a point 35° 53.0286' N – 76° 15.1211' W.
 - (c) Lake Phelps - all waters of Lake Phelps and the following main canals connecting to Scuppernong River:
 - (i) Moccasin Canal;
 - (ii) Western (Enoch) Canal;

- (iii) Mountain Canal;
 - (iv) Thirty-foot Canal;
 - (v) Somerset (Old) Canal;
 - (vi) Batava (Minerva, Magnolia, Bonarva) Canal; and
 - (vii) Bee Tree Canal.
- (19) Alligator River Area:
- (a) Little Alligator River - west of a line beginning on the north shore at a point 35° 56.7640' N – 76° 01.0299' W; running southerly to the south shore to a point 35° 55.9362' N – 76° 01.2492' W; and north of a line beginning on the west shore at a point 35° 56.4784' N – 76° 07.5433' W; running easterly to the east shore to a point 35° 56.4771' N – 76° 07.5076' W.
 - (b) East Lake - east of a line beginning on the north shore at a point 35° 56.1676' N – 75° 55.2603' W; running southerly to the south shore to a point 35° 55.4727' N – 75° 55.5043' W; and south of a line beginning on the west shore at a point 35° 58.6402' N – 75° 52.1855' W; running easterly to the east shore to a point 35° 58.5887' N – 75° 51.7080' W.
 - (c) Second Creek - west of a line beginning on the north shore at a point 35° 51.7616' N – 76° 03.5105' W; running southerly to the south shore to a point 35° 51.1317' N – 76° 03.8003' W.
 - (d) Milltail Creek - east of a line beginning on the north shore at a point 35° 50.5192' N – 75° 58.6134' W; running southerly to the south shore to a point 35° 50.4956' N – 75° 58.6158' W; and northwest of a line beginning on the northeast shore at a point 35° 47.7377' N – 75° 53.1295' W; running southwesterly to the southwest shore to a point 35° 47.7180' N – 75° 53.1295' W.
 - (e) Whipping Creek and Lake - east of a line beginning on the north shore at a point 35° 41.3930' N – 76° 00.2481' W; running southerly to the south shore to a point 35° 41.3717' N – 76° 00.2554' W; and west of a line beginning on the north shore at a point 35° 42.1737' N – 75° 57.6728' W; running southerly to the south shore to a point 35° 42.1570' N – 75° 57.6732' W.
 - (f) Swan Creek and Lake - east of a line beginning on the north shore at a point 35° 40.2674' N – 76° 00.7360' W; running southerly to the south shore to a point 35° 40.2420' N – 76° 00.7548' W.
- (20) Alligator River including designated tributary - main stem waters west of a line beginning on the north shore at Cherry Ridge Landing at a point 35° 42.2172' N – 76° 08.4686' W; running southerly to the south shore to a point 35° 42.1327' N – 76° 08.5002' W; and east of a line beginning on the north shore at a point 35° 36.0502' N – 76° 13.9734' W; running southerly along NC 94 to the south shore to a point 35° 36.0300' N – 76° 13.9779' W; including the following tributary from the confluence with Alligator River in the direction indicated to the specified boundary: Northwest Fork - upstream (north) to a line beginning on the north shore at a point 35° 43.6826' N – 76° 11.9538' W; running southerly to the south shore to a point 35° 43.6495' N – 76° 11.9692' W.
- (21) Croatan Sound Area:
- (a) Spencer Creek - west of a line beginning on the north shore at a point 35° 51.4205' N – 75° 45.0645' W; running southerly to the south shore to a point 35° 51.3876' N – 75° 45.0640' W; and west of a line beginning on the north shore 35° 51.5597' N – 75° 45.0141' W; running southerly to the south shore to a point 35° 51.4624' N – 75° 45.0498' W; and west of a line beginning on the north shore at a point 35° 51.6783' N – 75° 44.9125' W; running southerly to the south shore to a point 35° 51.5693' N – 75° 45.0109' W; and east of a line beginning on the north shore at a point 35° 52.5133' N – 75° 46.3070' W; running southerly to the south shore to a point 35° 52.4635' N – 75° 46.3110' W.
 - (b) Callaghan Creek - west of a line beginning on the north shore at a point 35° 51.1312' N – 75° 45.1327' W; running southwesterly to the south shore to a point 35° 51.0953' N – 75° 45.1629' W; and east of a line beginning on the north shore at a point 35° 50.0643' N – 75° 46.6041' W; running southerly to the south shore to a point 35° 50.0306' N – 75° 46.6034' W.

- (22) Pamlico River Area:
- (a) Chocowinity Creek - south of a line beginning on the west shore at a point 35° 30.4778' N – 77° 04.4049' W; running southerly to the east shore at a point 35° 30.4692' N – 77° 04.3862' W; and north of a line beginning on the west shore at a point 35° 28.3423' N – 77° 05.0615' W; running easterly to the east shore at a point 35° 28.3413' N – 77° 05.0334' W.
 - (b) Blounts Creek - south of a line beginning on the west shore at a point 35° 23.9524' N – 76° 58.0357' W; running easterly to the east shore at a point 35° 23.9565' N – 76° 57.9576' W; and north of a line beginning on the west shore at a point 35° 22.3210' N – 76° 57.7210' W; running easterly along NC 33 to the east shore at a point 35° 22.3080' N – 76° 57.6706' W; on Nancy Run, north of a line beginning on the west shore at a point 35° 22.7132' N – 76° 59.0317' W; running easterly along NC 33 to the east shore at a point 35° 22.7064' N – 76° 59.0191' W; on Herring Run, north and west of a line beginning on the north shore at a point 35° 22.5435' N – 76° 56.9969' W; running southerly along SSR 1100 (Core Point Road) to the south shore at a point 35° 22.5168' N – 76° 57.0063' W.
 - (c) Durham Creek - south of a line beginning on the west shore at a point 35° 21.5669' N – 76° 51.9166' W; running easterly along the SSR 1955 bridge (Durham Creek Lane) to the east shore at a point 35° 21.5721' N – 76° 51.8621' W and north of a line beginning on the west shore at a point 35° 19.1959' N – 76° 52.3278' W; running southeasterly along NC 33 to the east shore at a point 35° 19.1802' N – 76° 52.2947' W.
 - (d) Little Goose Creek - north and east of a line beginning on the north shore at a point 35° 28.7258' N – 76° 55.8667' W; running southeasterly to the south shore at a point 35° 28.5986' N – 76° 55.7922' W and west of a line beginning on the north shore at a point 35° 29.0329' N – 76° 54.2344' W; running southeasterly along SSR 1334 (Camp Leach Road) to the south shore at a point 35° 29.0283' N – 76° 54.2228' W; and the unnamed northwest branch, south of a line beginning on the north shore at a point 35° 29.4589' N – 76° 55.0263' W; running southwesterly to the south shore at a point 35° 29.4492' N – 76° 55.0322' W.
 - (e) Broad Creek - north of a line beginning on the west shore at a point 35° 30.0451' N – 76° 57.6152' W; running easterly to the east shore at a point 35° 30.0459' N – 76° 57.5318' W and south of a line beginning on the west shore at a point 35° 32.1646' N – 76° 58.5193' W; running easterly along US 264 to the east shore at a point 35° 32.1588' N – 76° 58.5048' W.
 - (f) Runyon Creek - north of a line beginning on the west shore at a point 35° 32.1615' N – 77° 02.3606' W; running easterly along the NC 32 bridge (Park Drive) to the east shore at a point 35° 32.1340' N – 77° 02.3438' W and south of a line beginning on the north shore at a point 35° 33.0407' N – 77° 01.1497' W; running southeasterly to the south shore at a point 35° 33.0260' N – 77° 01.1449' W.
- (23) Tar River including designated tributaries - main stem waters west of a line beginning on the north shore at a point 35° 33.1993' N – 77° 05.3977' W; running southerly to the south shore at a point 35° 32.9978' N – 77° 05.1529' W and east of a line beginning on the north shore at a point 35° 57.6505' N – 77° 48.2537' W; running southeasterly along the Rocky Mount Mill Pond Dam to the south shore at a point 35° 57.5997' N – 77° 48.1412' W; including the following tributaries from their confluence with Tar River in the direction indicated to the specified boundary:
- (a) Swift Creek - upstream (northwest) to a line beginning on the north shore at a point 36° 00.5829' N – 77° 39.9482' W; running southerly to the south shore at a point 36° 00.5413' N – 77° 39.9616' W.
 - (b) Fishing Creek - upstream (northwest) to a line beginning on the north shore at a point 36° 08.0430' N – 77° 43.2829' W; running southerly to the south shore at a point 36° 08.0173' N – 77° 43.2921' W; on Deep Creek, upstream (northeast) to

- a line beginning on the north shore at a point 35° 57.8688' N – 77° 27.2298' W; running southeasterly to the south shore at a point 35° 57.8403' N – 77° 27.1890' W.
- (c) Town Creek - upstream (west) to a line beginning on the north shore at a point 35° 48.4135' N – 77° 36.7687' W; running southwesterly to the south shore at a point 35° 48.3728' N – 77° 36.7686' W.
 - (d) Otter Creek - upstream (west) to a line beginning on the west shore at a point 35° 43.2448' N – 77° 31.9013' W; running easterly to the east shore at a point 35° 43.2385' N – 77° 31.8735' W.
 - (e) Tyson Creek - upstream (southwest) to a line beginning on the west shore at a point 35° 40.4470' N – 77° 30.7015' W; running easterly to the east shore at a point 35° 40.4107' N – 77° 30.6075' W.
 - (f) Conetoe Creek - upstream (north and east) to a line beginning on the north shore at a point 35° 44.5315' N – 77° 29.1676' W; running southerly to the south shore at a point 35° 44.5071' N – 77° 29.1894' W.
 - (g) Hardee Creek - upstream (southwest) to a line beginning on the west shore at a point 35° 35.6842' N – 77° 19.3857' W; running easterly to the east shore at a point 35° 35.6781' N – 77° 19.3680' W.
 - (h) Chicod Creek - upstream (west) to a line beginning on the west shore at a point 35° 34.6186' N – 77° 14.0233' W; running southerly to the east shore at a point 35° 34.5985' N – 77° 14.0169' W.
 - (i) Old Grindle Creek - upstream (north) to a line beginning on the north shore at a point 35° 35.3098' N – 77° 09.9461' W; running southerly along SSR 1565 (Grimesland Bridge Road) to the south shore at a point 35° 35.2891' N – 77° 09.9511' W.
 - (j) Bear Creek - upstream (southwest) to a line beginning on the west shore at a point 35° 32.4699' N – 77° 07.4185' W; running easterly to the east shore at a point 35° 32.4697' N – 77° 07.3758' W.
- (24) Tranters Creek including designated tributaries - main stem waters north and west of a line beginning on the west shore at a point 35° 33.1993' N – 77° 05.3978' W; running easterly to the east shore at a point 35° 33.2408' N – 77° 05.0872' W and south of a line beginning on the west shore at a point 35° 45.7848' N – 77° 15.2294' W; running easterly to the east shore at a point 35° 45.7905' N – 77° 15.1931' W; including the following tributaries from their confluence with Tranters Creek in the direction indicated to the specified boundary:
- (a) Aggie Run - upstream (east) to a line beginning on the north shore at a point 35° 38.3433' N – 77° 05.5003' W; running southeasterly to the south shore at a point 35° 38.2633' N – 77° 05.4097' W.
 - (b) Cherry Run - upstream (northeast) to a line beginning on the north shore at a point 35° 35.1560' N – 77° 04.0436' W; running southerly along US 17 to the south shore at a point 35° 35.1404' N – 77° 04.0437' W.
- (25) Lake Mattamuskeet - all waters and all inland manmade tributaries of Lake Mattamuskeet.
- (26) Bay River Area: Trent Creek - south of a line beginning on the west shore at a point 35° 06.2738' N – 76° 43.1071' W; running easterly along the NC 55 bridge (Pamlico County) to the east shore to a point 35° 06.2603' N – 76° 43.0741' W; and north of a line beginning on the southwest shore at a point 35° 04.3545' N – 76° 42.8282' W; running northeasterly to the northeast shore to a point 35° 04.3686' N – 76° 42.8117' W.
- (27) Neuse River including designated tributaries - main stem waters south of a line beginning on the east shore at a point 35° 47.9955' N – 78° 32.2902' W; running westerly along Milburnie Dam (Bridges Lake Dam) to the west shore to a point 35° 48.0280' N – 78° 32.3989' W; and northwest of a line near Pitch Kettle Creek beginning on the north shore at a point 35° 16.9793' N – 77° 15.5529' W; running south to the south shore to a point 35° 16.9237' N – 77° 15.5461' W; including the following tributaries from their confluence with Neuse River in the direction indicated to the specified boundary:

- (a) Middle Creek - upstream (west) to a line beginning on the southwest shore at a point 35° 30.4489' N – 78° 24.1072' W; running northeasterly along the NC 210 bridge (Johnston County) to the northeast shore to a point 35° 30.4767' N – 78° 24.0676' W.
 - (b) Mill Creek - upstream (west) to a line beginning on the north shore at a point 35° 20.7619' N – 78° 20.0813' W; running southerly along the SSR 1185 bridge (Joyner Bridge Road) to the south shore to a point 35° 20.7262' N – 78° 20.0938' W.
 - (c) Little River - upstream (northwest) to a line beginning on the southwest shore at a point 35° 40.0035' N – 78° 15.5262' W; running northeasterly along the NC 42 bridge (Johnston County) to the northeast shore to a point 35° 40.0142' N – 78° 15.5060' W.
 - (d) Walnut Creek - upstream (north) to a line beginning on the west shore at a point 35° 15.5439' N – 77° 52.5703' W; running easterly to the east shore to a point 35° 15.5407' N – 77° 52.5574' W.
 - (e) Bear Creek - upstream (north) to a line beginning on the northeast shore at a point 35° 21.1265' N – 77° 49.1500' W; running southwesterly to the southwest shore to a point 35° 21.1125' N – 77° 49.1605' W.
 - (f) Falling Creek - upstream (northwest) to a line beginning on the west shore at a point 35° 15.6635' N – 77° 41.5862' W; running easterly along the US 70 bridge (Banks School Road) to the east shore to a point 35° 15.6687' N – 77° 41.5540' W.
 - (g) Contentnea Creek - upstream (northwest) to a line beginning on the west shore at a point 35° 34.1707' N – 77° 47.5396' W; running easterly to the east shore to a point 35° 34.1704' N – 77° 47.4966' W.
 - (h) Halfmoon Creek - upstream (southwest) to a line beginning on the north shore at a point 35° 19.1578' N – 77° 20.2050' W; running southerly to the south shore to a point 35° 19.1335' N – 77° 20.2036' W.
 - (i) Village Creek - upstream (southwest) to a line beginning on the northeast shore at a point 35° 18.4795' N – 77° 18.1037' W; running southwesterly to the southwest shore to a point 35° 18.4603' N – 77° 18.1121' W.
 - (j) Kitten Creek - upstream (northwest) to include all waters.
 - (k) Core Creek - upstream (west) to a line beginning on the north shore at a point 35° 10.7941' N – 77° 18.9102' W; running southerly to the south shore to a point 35° 10.7715' N – 77° 18.9012' W.
 - (l) Pitchkettle Creek - upstream (northwest) to include all waters.
- (28) Neuse River Area:
- (a) Turkey Quarter and Greens creeks - southeast of a line beginning on the west shore of Turkey Quarter Creek at a point 35° 15.6738' N – 77° 14.6823' W; running southeasterly to the southeast shore of Turkey Quarter Creek to a point 35° 15.6534' N – 77° 14.6470' W; and northwest of a line beginning on the north shore of Greens Creek at a point 35° 14.1883' N – 77° 11.8862' W; running southwesterly to the southwest shore of Greens Creek to a point 35° 14.1389' N – 77° 11.7535' W.
 - (b) Taylor Creek - northwest of a line beginning on the north shore at a point 35° 14.3719' N – 77° 10.8050' W; running southwesterly to the south shore to a point 35° 14.3300' N – 77° 10.8352' W.
 - (c) Pine Tree Creek - west of a line beginning on the north shore at a point 35° 12.6663' N – 77° 07.4285' W; running southwesterly to the south shore to a point 35° 12.7033' N – 77° 07.3594' W and north of a line beginning on the west shore at a point 35° 12.8553' N – 77° 07.8300' W; running easterly to the east shore to a point 35° 12.8372' N – 77° 07.7934' W and north of a line beginning on the west shore at a point 35° 13.2012' N – 77° 08.7753' W; running southeasterly to the east shore to a point 35° 13.1714' N – 77° 08.7071' W.

- (d) Swift and Little Swift creeks - north of a line beginning on the west shore at a point 35° 11.5972' N – 77° 06.0562' W; running easterly to the east shore to a point 35° 11.5816' N – 77° 05.9861' W for both creeks and south of a line beginning on the northeast shore at a point 35° 17.8175' N – 77° 08.9421' W; running southwesterly along the SSR 1440 bridge (Streets Ferry Road) to the southwest shore to a point 35° 17.8027' N – 77° 08.9529' W for Swift Creek; and southwest of two lines, one beginning on the northwest shore of Fisher Swamp at a point 35° 14.6533' N – 77° 03.9072' W; running southeasterly to the southeast shore to a point 35° 14.6322' N – 77° 03.8983' W; and the other beginning on the northwest shore of Little Swift Creek at a point 35° 14.1315' N – 77° 03.6823' W; running southeasterly along the SR 1627 bridge (Craven County) to the southeast shore to a point 35° 14.1179' N – 77° 03.6676' W for Little Swift Creek.
- (e) Bachelor Creek - west of a line beginning on the north shore at a point 35° 09.0099' N – 77° 04.5858' W; running southerly to the south shore to a point 35° 08.9085' N – 77° 04.7172' W and east of a line at Rollover Creek beginning on the north shore at a point 35° 07.9194' N – 77° 11.9438' W; running southerly to the south shore to a point 35° 07.8931' N – 77° 11.9445' W.
- (f) Trent River Area:
- (i) Brice Creek - south of a line beginning on the west shore at a point 35° 02.1261' N – 77° 02.1243' W; running easterly to the east shore to a point 35° 02.1268' N – 77° 02.1015' W and north of a line beginning on the west shore at a point 34° 59.7828' N - 77° 00.0710' W; running easterly along the SSR 1101 bridge (County Line Road) to the east shore to a point 34° 59.7789' N - 77° 00.0534' W.
- (ii) Mill Creek - south of a line beginning on the west shore at a point 35° 00.4595' N – 77° 12.8427' W; running easterly to the east shore to a point 35° 00.4593' N – 77° 12.8160' W; and north of a line beginning on the west shore at a point 34° 59.8881' N – 77° 12.8536' W; running easterly to the east shore to a point 34° 59.8878' N – 77° 12.8368' W.
- (iii) Mill Run - southwest of a line beginning on the northwest shore at a point 35° 00.3766' N – 77° 16.8680' W; running southeasterly along the NC 58 bridge (Jones County) to the southeast shore to a point 35° 00.3654' N – 77° 16.8487' W; and northeast of a line beginning on the northwest shore at a point 35° 00.0929' N – 77° 17.3282' W; running southeasterly to the southeast shore to a point 35° 00.0740' N – 77° 17.3024' W.
- (g) Trent River including all the waters of Jumping Creek - main stem waters southwest of a line beginning on the west shore at a point 35° 01.9478' N – 77° 15.6377' W; running easterly along the SSR 1121 bridge (Oak Grove Road) to the east shore to a point 35° 01.9506' N – 77° 15.6095' W; and northeast of a line beginning on the northeast shore at a point 35° 04.0759' N – 77° 35.3891' W; running southwesterly along the SSR 1153 bridge (Vine Swamp Road) to the southwest shore to a point 35° 04.0624' N – 77° 35.4063' W; including all the waters of Jumping Creek.
- (h) Upper Broad Creek - northwest of a line beginning on the north shore at a point 35° 06.8922' N – 76° 56.3911' W, running southerly to the south shore to a point 35° 06.8623' N – 76° 56.3916' W and southeast of a line beginning on the west shore at a point 35° 08.3197' N – 76° 58.7314' W; running easterly along the NC 55 bridge at the Craven and Pamlico county line to the east shore to a point 35° 08.3209' N – 76° 58.6753' W.
- (i) Beard Creek - northwest of a line beginning on the north shore at a point 35° 02.6853' N – 76° 52.3346' W; running southerly to the south shore to a point 35° 02.6663' N – 76° 52.3351' W and southeast of line beginning on the southwest shore at a point 35° 03.7198' N – 76° 52.6024' W; running northeasterly along

- the SSR 1115 bridge (Pamlico County) to the northeast shore to a point 35° 03.7258' N – 76° 52.5942' W.
- (j) Dawson Creek - northwest of a line beginning on the southwest shore at a point 35° 01.8352' N – 76° 47.4672' W; running northeasterly to the northeast shore to a point 35° 01.8475' N – 76° 47.4283' W; and southeast of a line beginning on the southwest shore of Fork Run at a point 35° 02.1112' N – 76° 48.3083' W; running northeasterly along the SSR 1005 bridge (Pamlico County) to the northeast shore of Fork Run to a point 35° 02.1206' N – 76° 48.2922' W.
- (k) Slocum Creek:
- (i) Southwest Prong - southwest of a line beginning on the northwest shore at a point 34° 53.1520' N – 76° 55.8540' W; running southeasterly along the SSR 1746 bridge (Greenfield Heights Boulevard) to the southeast shore to a point 34° 53.1369' N – 76° 55.8460' W; and northeast of a line beginning on the west shore at a point 34° 51.5981' N – 76° 57.1687' W; running easterly to the east shore to a point 34° 51.5935' N – 76° 57.1229' W.
- (ii) East Prong - south of a line beginning on the west shore at a point 34° 52.9687' N – 76° 54.5195' W; running easterly along the NC 101 bridge (Fontana Boulevard) to the east shore to a point 34° 52.9680' N – 76° 54.5020' W.
- (l) Hancock Creek - south of a line beginning on the west shore at a point 34° 52.1403' N – 76° 50.8518' W; running easterly along the NC 101 bridge (Craven County) to the east shore to a point 34° 52.1412' N – 76° 50.8382' W.
- (29) White Oak River - main stem waters north and west of a line beginning on the west shore at a point 34° 48.1466' N – 77° 11.4711' W; running easterly to a point on the west shore 34° 48.1620' N – 77° 11.4244' W; and south and east of a line beginning on the west shore at a point 34° 53.5120' N – 77° 51.4013' W; running easterly to a point on the east shore 34° 53.5009' N – 77° 14.0194' W; including the following tributaries from their confluence with White Oak River in the direction indicated to the specified boundary:
- (a) Holston Creek - east to a line beginning on the north shore at a point 34° 49.6284' N – 77° 09.3783' W; running southerly to shore at a point 34° 49.6177' N – 77° 09.3670' W.
- (b) Grant's Creek - west to a line beginning on the north shore at a point 34° 47.9302' N – 77° 12.8060' W; running southerly along SSR 1434 bridge (Belgrade-Swansboro Road) to a point on the south shore 34° 47.9185' N – 77° 12.7954' W.
- (30) New River - main stem waters north of a line beginning on the west shore at a point 34° 45.1654' N – 77° 26.1222' W; running easterly along the US Highway 17 bridge to a point on the east shore 34° 45.2007' N – 77° 25.9790' W; and south of a line beginning at a point on the west shore 34° 50.5818' N – 77° 30.1735' W running easterly along the SSR 1316 bridge (Rhodestown Road) to a point on the east shore 34° 50.5951' N – 77° 30.1534' W.
- (31) Northeast and Little Northeast Creeks - north and east of a line beginning on the west shore at a point 34° 44.0778' N – 77° 21.2640' W; running southeasterly along the railroad bridge to a point on the east shore 34° 44.0446' N – 77° 21.2126' W; and west of a line beginning on the north shore 34° 44.9055' N – 77° 19.7541' W; running southerly along SSR 1406 bridge (Piney Green Road) to a point on the south shore 34° 44.8881' N – 77° 19.7649' W.
- (32) Northeast Cape Fear River - main stem waters north of a line beginning at a point on the west shore 34° 26.5658' N – 77° 50.0871' W; running northeasterly along the NC 210 bridge to a point on the east shore 34° 26.6065' N – 77° 49.9955' W and south of a line beginning on the west shore 34° 38.7667' N – 77° 52.3417' W running easterly along SSR 1318 bridge (Croombsbridge Road) to a point on the east shore 34° 38.7744' N – 77° 52.3093' W; including the following tributaries from their confluence with the Northeast Cape Fear River in the direction indicated to the specified boundary:

- (a) Burgaw Creek - west to a line beginning on the north shore at a point 34° 32.4670' N – 77° 51.1705' W; running southerly along SSR 1411 bridge (Stag Park Road) to a point on the south shore 34° 32.4567' N – 77° 51.1711' W.
 - (b) Pike Creek - west to a line beginning on the north shore at a point 34° 28.7928' N – 77° 52.5148' W; running southerly along SSR 1411 bridge (Ashton Lake Road) to a point on the south shore 34° 28.7882' N – 77° 52.5261' W.
 - (c) Merrick Creek - north and east to a line beginning on the north shore at a point 34° 26.8264' N – 77° 48.1948' W; running southerly along NC 210 bridge to a point on the south shore 34° 26.8028' N – 77° 48.1797' W.
 - (d) Island Creek - south and east to a line beginning on the west shore at a point 34° 22.0359' N – 77° 48.9107' W; running easterly along SSR 1002 bridge (Holly Shelter Road) to a point on the east shore 34° 22.0213' N – 77° 48.8854' W.
 - (e) Prince George Creek - south and east to a line beginning on the north shore at a point 34° 20.6773' N – 77° 54.2113' W; running southerly along NC 133 bridge to a point on the south shore 34° 20.6659' N – 77° 54.2170' W.
 - (f) Turkey Creek - north and east to a line beginning on the north shore at a point 34° 23.8546' N – 77° 54.7872' W; running southerly along NC 133 bridge to a point on the south shore 34° 23.8429' N – 77° 54.7772' W.
 - (g) Long Creek - north and west to a line beginning on the west shore at a point 34° 26.3494' N – 78° 01.5716' W; running easterly along NC 210 bridge to a point on the east shore 34° 26.3500' N – 78° 01.5396' W.
- (33) Black River - north and west of a line beginning on the west shore at a point 34° 22.0783' N – 78° 04.4123' W; running easterly to a point on the east shore 34° 21.9950' N – 78° 04.2864' W and south and east of a line beginning at a point on the north shore 34° 42.5285' N – 78° 15.8178' W; running southerly to a point on the south shore 34° 42.5008' N – 78° 15.7972' W. South River - south and east of a line beginning at a point on the west shore 34° 38.4120' N – 78° 18.7075' W; running easterly along SSR 1007 bridge (Ennis Bridge Road) to a point on the east shore 34° 38.4080' N – 78° 18.6727' W.
- (34) Cape Fear River - main stem waters north and west of a line at Lock and Dam #1 beginning on the west shore at a point 34° 24.2628' N – 78° 17.6390' W; running easterly to a point on the east shore 34° 24.2958' N – 78° 17.5634' W and south and east of a line beginning at a point on the west shore 35° 24.8404' N – 78° 49.4267' W; running easterly to a point on the east shore 35° 24.8833' N – 78° 49.3288' W; including the following tributaries from their confluence with the Cape Fear River in the direction indicated to the specified boundary:
- (a) Brown's Creek - south and west to a line beginning on the north shore at a point 34° 36.8641' N – 78° 35.0917' W; running southerly along NC 87 bridge to a point on the south shore 34° 36.8477' N – 78° 35.0731' W.
 - (b) Hammond Creek - south and west to a line beginning on the north shore at a point 34° 34.032' N – 78° 30.3542' W; running southerly along NC 87 bridge to a point on the south shore 34° 34.0142' N – 78° 30.3397' W.
 - (c) Steep Run - south and west to a line beginning on the north shore at a point 34° 25.5019' N – 78° 20.9934' W; running southerly along NC 87 bridge to a point on the south shore 34° 25.4742' N – 78° 20.9549' W.
 - (d) Wayman's Creek - south and west to a line beginning on the north shore at a point 34° 22.4396' N – 78° 16.3904' W; running southerly along NC 87 bridge to a point on the south shore 34° 22.4287' N – 78° 16.3723' W.
 - (e) Livingston Creek - south to a line beginning on the north shore at a point 34° 19.5405' N – 78° 12.9889' W; running southerly along NC 87 bridge to a point on the south shore 34° 19.5128' N – 78° 12.9727' W.
 - (f) Hood Creek - south and west to a line beginning on the north shore at a point 34° 18.6658' N – 78° 07.1988' W; running southerly along NC 87 bridge to a point on the south shore 34° 18.6612' N – 78° 07.1741' W.
 - (g) Indian Creek - west to a line beginning on the north shore at a point 34° 17.7383' N – 78° 02.6706' W; running southerly along SSR 1453 bridge (Brunswick County) to a point on the south shore 34° 17.7210' N – 78° 02.6697' W.

- (h) Sturgeon Creek - west to a line beginning on the north shore at a point $34^{\circ} 14.6391' N - 78^{\circ} 01.8154' W$; running southerly to a point on the south shore $34^{\circ} 14.5918' N - 78^{\circ} 01.7941' W$.
- (i) Mill Creek - north and west of Sturgeon Creek to a line beginning on the north shore at a point $34^{\circ} 15.2342' N - 78^{\circ} 01.6370' W$; running southerly to a point on the south shore $34^{\circ} 15.2024' N - 78^{\circ} 01.6525' W$.
- (j) Alligator Creek - north of the Brunswick River to the origin of the Creek excluding the dredged portions of the Creek.
- (k) Jackeys Creek - west of the Brunswick River to a line beginning on the north shore at a point $34^{\circ} 11.9672' N - 77^{\circ} 58.8303' W$; running southerly along the NC 133 bridge to a point on the south shore $34^{\circ} 11.9544' N - 77^{\circ} 58.8307' W$.
- (l) Mallory Creek - west of the Brunswick River to a line beginning on the north shore at a point $34^{\circ} 10.0530' N - 77^{\circ} 58.5927' W$; running southerly along the NC Highway 133 bridge to a point on the south shore $34^{\circ} 10.0351' N - 77^{\circ} 58.5942' W$.
- (m) Town Creek - west to a line beginning on the north shore at a point $34^{\circ} 09.4084' N - 78^{\circ} 05.5059' W$; running southerly along US 17 bridge to a point on the south shore $34^{\circ} 09.3731' N - 78^{\circ} 05.5147' W$.
- (n) Lilliput Creek - west to a line beginning on the north shore at a point $34^{\circ} 04.5292' N - 77^{\circ} 57.3187' W$; running southerly along NC 133 bridge to a point on the south shore $34^{\circ} 04.5137' N - 77^{\circ} 57.3108' W$.

History Note: Authority G.S. 113-132; 113-134; Eff. May 1, 2008.