

Fiscal Impacts of Proposed Rule Changes to the For-Hire Licensing and Logbook Requirements and to the Atlantic Ocean Striped Bass Commercial Gear Permit Authorized by Statutory Changes in Session Law 2013-360

Rule Amendments: 15A NCAC 03I .0101 DEFINITIONS
 15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS
 15A NCAC 03O .0106 DISPLAY OF LICENSES AND REGISTRATIONS
 15A NCAC 03O .0112 FOR HIRE COASTAL RECREATIONAL FISHING
 15A NCAC 03O .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS
 15A NCAC 03O .0503 PERMIT CONDITIONS; SPECIFIC

Name of Commission: NC Marine Fisheries Commission

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Impact Summary: State government: Yes
 Local government: No
 Federal government: No
 Substantial impact: No

Authority: Session Law 2013-360, Section 14.8(e), Section 14.8(f) and 14.8(o) [See Appendix 2]

Necessity: In accordance with Session Law 2013-360, the proposed rule amendments [See Appendix 1] reflect recent statutory changes affecting for-hire licensing and the Atlantic Ocean Striped Bass Commercial Gear Permit. In order to broaden options for licensees and improve the North Carolina Division of Marine Fisheries (NCDMF) fisheries statistics, these rules propose to eliminate the current For-Hire Permit and blanket licenses and replace them with a captain's for-hire license, a blanket for-hire vessel license, and a non-blanket for-hire vessel license. The proposed rules also implement a for-hire endorsement on the commercial fishing vessel registration, require affirmation of liability coverage and knowledge of U.S. Coast Guard (USCG) safety requirements, and require weekly logbook reporting from for-hire licensees. Additionally, the permit fee for the Atlantic Ocean Striped Bass Commercial Gear Permit is removed from rule and the November 1 deadline to purchase the annual permit is eliminated.

The anticipated effective date of the proposed rule changes is May 1, 2015.

I. Summary

In an effort to address deficiencies and inequities in the current for-hire licensing structure, the North Carolina General Assembly (NCGA) enacted changes to the state's marine recreational for-hire license to include a Blanket Captains License, a Blanket Vessel License, and a Non-blanket Vessel License. The NCGA incorporated these three new licenses into G.S. 113-168.6 and G.S. 113-174.3 through Session Law 2013-360. Also, statutory changes included the addition of a required affirmation of liability coverage and knowledge of USCG safety requirements by for-hire license holders as well as a weekly logbook requirement to improve recreational catch and effort statistics for the for-hire industry. Rule changes are required to align Marine Fisheries Commission rules with the statutory changes, accommodate weekly logbook reporting, and remove the November 1 deadline for purchasing the annual Atlantic Ocean Striped Bass Commercial Gear Permit. These rule changes are expected to incur a cost of \$265,500 initially and \$245,500 annually thereafter.

II. Introduction and Purpose of Rule Changes

In order to establish a system to provide management tools for monitoring the for-hire industry, the Marine Fisheries Commission utilized rule-making authority to establish a provisional no-cost For-Hire Fishery Permit in 2003. Several years after the commission established the permit requirement, the NCGA enacted new laws creating a Coastal Recreational Fishing License (CRFL). The NCGA enacted the new laws, in part, to provide management tools for monitoring recreational anglers. During the 2003 Session, the General Assembly of North Carolina passed a CRFL requirement (G.S. 113-174 *et. seq.*), which became effective January 1, 2007. One of the new laws, G.S. 113-174.3, pertained directly to the optional Blanket For-Hire CRFL, which established fees and removed responsibility for licensure of angling customers from the individual and placed it on the owner or operator of the vessel. Having a database of for-hire participants allowed NCDMF to survey the industry for effort information as part of the For-Hire Survey that NCDMF conducts as a contractor to the National Marine Fisheries Service. The CRFL also satisfied requirements of the National Angler Registry as put forth in the federal Magnusson-Stevens Reauthorization Act of 2006¹ (NOAA, 2007).

A component of the CRFL offered an optional for-hire blanket license covering anglers' licensing requirements as long as they were aboard a properly licensed for-hire boat. The for-hire blanket license was available to USCG-licensed captains who carried six or fewer passengers (guides and charter boats) as well as a separate license for USCG-certified vessels carrying more than six passengers (headboats) and operated by a USCG-licensed captain. The price was \$250 for six or fewer passengers and \$350 for more than six passengers since the creation of the CRFL in 2007, with nonresidents paying the same fee as residents.

In March of 2011, the NCDMF held three meetings throughout coastal North Carolina with members of the for-hire industry in an effort to get industry feedback on changes to the license structure, logbooks, and other issues the industry may have. Stakeholders informed NCDMF of inequities and inefficiencies in the license design during these for-hire stakeholders meetings. For example, many inshore guides who use more than one vessel in their operation reported that they pay almost twice as much as much-larger headboat operations. This inequity was due to their need to purchase two blanket licenses, one for each vessel, even though they only used

¹ Magunson-Stevens Fishery Conservation and Management Act. As Amended Through January 12, 2007. May 2007. National Oceanic and Atmospheric Administration. National Marine Fisheries Service. http://www.nmfs.noaa.gov/msa2005/docs/MSA_amended_msa%20_20070112_FINAL.pdf

one vessel at a time. The inshore guide operations take out far fewer anglers each trip and in most cases fewer anglers per year, thereby creating an inequity due to the higher angler licensing costs. Some guides also reported limitations in operating other vessels either for a colleague or in the event of a breakdown of their primary vessel. These circumstances created additional costs for guides and/or clients involved in both small and large fishing operations and serve as an example of the inefficiencies inherent in the past structure. There was also general consensus at the stakeholder meetings that nonresidents should pay a higher fee than residents since they do not pay into the state system in ways residents do (property taxes, boat registrations, etc.).

NCDMF drafted recommendations from the series of meetings in the *Summary of the 2011 For-Hire Stakeholders Meetings Report to the Marine Fisheries Commission*². The NC Marine Fisheries Commission (NCMFC) agreed with the recommendations, which were then incorporated into NCDMF's request for statutory revisions to the NC General Assembly. The General Assembly adopted these recommendations during the 2013 session in Session Law 2013-360.

Session Law 2013-360 made statutory changes to G.S. 113-168.6 and G.S. 113-174.3 that alter the way for-hire licenses are structured, require certain for-hire operations to obtain Commercial Fishing Vessel Registrations with for-hire endorsements for their vessels, obligate for-hire operators to affirm liability coverage and knowledge of USCG safety requirements, and require participants in the for-hire industry to begin submitting weekly logbooks of catch and effort data.

In an effort to address the deficiencies and inequities in the current for-hire licensing structure, NCDMF proposed changes to the license structure to include a Blanket Captain's License, a Blanket Vessel License, and a Non-blanket Vessel License (Table 1). These three new licenses are incorporated into G.S. 113-174.3. NCDMF recommended eliminating the original For-Hire Blanket CRFL's within the statute. The proposal also included higher nonresident fees. The new licenses are:

1. The Blanket For-Hire Captain's CRFL allows the holder to use any properly licensed vessel in his/her operation while covering the licensing requirements of the anglers. All vessels operated by the holder of a Blanket For-Hire Captain's CRFL must have a Commercial Fishing Vessel Registration with a for-hire endorsement. The Blanket For-Hire Captain's CRFL is intended primarily for the inshore guides who operate multiple vessels. The fee is the same as the former For-Hire Blanket CRFL, but should result in a cost savings to resident guides who operate multiple vessels. Nonresidents will pay more than residents.
2. The Blanket For-Hire Vessel CRFL is very similar to the current Blanket For-Hire CRFL wherein the vessel is licensed and must be operated by a USCG-licensed captain. This license is intended primarily for the headboat industry. There should not be any cost differences to resident headboat owners, but nonresidents will pay more.
3. The Non-Blanket For-Hire Vessel License (note: not a CRFL) is very similar to the current, free for-hire permit, but there is a cost for this license. This license is intended primarily for the dive boat industry that infrequently has divers who wish to spear fish.

² Available at http://portal.ncdenr.org/c/document_library/get_file?uuid=a1055e24-5169-4ddb-aa9d-c8cd422ecf9d&groupId=38337

Spear fishermen on a dive boat will have to obtain their own individual CRFL to legally take fish. Guides may seek to purchase this license if they do not wish to cover their anglers' licensing requirements, as is achieved by the other two types of licenses.

Table 1. Summary of the new for-hire licenses, intended use, comments, and fees.

New License	Intended For	Comments	Resident Fees	Nonresident Fees
Blanket For-Hire Captain's CRFL	Guides and charter boat owners with more than one vessel	Allows holder to conduct for-hire operations on any vessel with a CFVR and for-hire endorsement	\$250 (<=six passengers) \$350 (>six passengers)	\$312.50 (<=six passengers) \$437.50 (>six passengers)
Blanket For-Hire Vessel CRFL	Guides, charter boats and head boats with only one vessel	Allows any USCG-licensed captain to operate a vessel	\$250 (<=six passengers) \$350 (>six passengers)	\$312.50 (<=six passengers) \$437.50 (>six passengers)
Non-blanket Vessel License	Dive boats	Low-cost license for operators who do not wish to cover their passengers' licensing requirements	\$25	\$37.50

In order to incorporate new weekly logbook requirements, NCDMF staff felt it necessary to amend 15A NCAC 03I .0101 to define a logbook as well as amend the definition of a trip ticket to clarify the difference between the two forms of documentation. Additionally, a rule change is needed in 15A NCAC 03O .0112 to implement weekly reporting of fishing activity by for-hire licensees. Weekly reporting will lead to more accurate catch, effort, and release information required for finfish stock assessments, allow NCDMF to better monitor catch quotas, and alleviate many of the uncertainties associated with survey and extrapolation data. NCDMF chose weekly reporting as the preferred reporting period over biweekly or monthly reporting, as it will provide more timely catch information and reduce issues associated with recalling catch information of previous trips for captains that may not keep a personal daily catch log. Also, the current federal logbook reporting period is weekly. The improved and timelier catch data offered by weekly reporting will benefit the regulated public by aligning reporting periods for for-hire operations that are involved in both federal- and state-managed fisheries and may help extend the season in fisheries that have allocated recreational fishing quotas, where fisheries may be shut down early due to large uncertainties or long reporting periods for landings data. NCDMF is making efforts to allow flexible reporting methods with the development of paper forms, web reporting, and mobile reporting apps for both tablets and smart phones. NCDMF staff are working to remove any redundancy that may exist with federal reporting requirements.

Other changes to 15A NCAC 03O .0112, as well as to 03O .0101, .0106, .0112, .0501, and .0503, bring rules in line with statutory changes and/or eliminate references to for-hire licenses that no longer exist. Additionally, 15A NCAC 03O .0501 contains changes to the Atlantic Ocean Striped Bass Commercial Gear Permit. These changes remove the cost of the permit fee from rule, as it is now set in statute, and eliminate the November 1 deadline for the purchase of the annual permit. The elimination of the November 1 deadline is intended to allow fishermen more

flexibility in entering the commercial Atlantic Ocean striped bass fishery at any time during the year.

III. Costs

Rule changes that strictly implement statutory requirements are not expected to incur any costs independent from statute, as these changes simply conform to what is required by law. NCDMF does not expect the proposed rule changes to affect operational costs for issuing a for-hire license or for applicants purchasing a for-hire license. NCDMF will incur operational costs and both NCDMF as well as for-hire operations will incur opportunity costs due to the weekly logbook reporting requirements for for-hire operations. Based on the NCDMF for-hire license records, there were 598 individual for-hire licensees in 2013. Of these licensees, 13 currently undertake weekly logbook reporting due to federal logbook requirements for headboat operations and will be exempt from the NCDMF weekly reporting requirement. Therefore, the proposed rule change requiring weekly reporting will affect 585 individuals. NCDMF estimates that reporting requirements will take approximately thirty minutes a week per for-hire license holder. There will be provisions where a license holder will not need to report should they expect to not partake in for-hire fishing trips for an extended period; therefore, reporting will not be required year-round for all for-hire licensees. This analysis assumes that weekly reporting for approximately eight months of the year leads to an estimated total time expense of 9,360 person-hours annually (16 hours for each affected individual.) Based on the Bureau of Labor Statistics 2013 mean hourly wage for farming, fishing, and forestry workers of \$13.09 per hour³ and benefits equivalent to approximately 33% of total compensation,⁴ the estimated opportunity cost stemming from the weekly logbook reporting requirement is approximately \$182,500 annually (Table 2).

NCDMF will incur direct costs to implement and run the for-hire logbook program. While not yet in place, NCDMF estimates that additional annual operational costs will include \$5,000 for logbook printing, \$3,000 for travel and transportation, \$10,000 for supplies and postage, and \$5,000 for computer and database expenses. In the first year, there will be a one-time cost of \$25,000 for web-interface development to implement an online and mobile version of the logbook, along with an annual cost of \$5,000 for web-interface maintenance. Additionally, NCDMF will hire a program administrator and data entry clerk to oversee and run the program. The expected cost of these positions (salary with benefits included) is \$55,000 for the program administrator and \$40,000 for the data entry clerk. Overall, NCDMF estimates the estimated operational costs for the logbook program to be \$143,000 the first year and \$123,000 annually thereafter. Funding for this program will come from the NCDMF Coastal Angling Program, which is funded through the sales of recreational fishing licenses in the state. Other state or federal funding sources may supplement or supplant funding from the Coastal Angling Program in the future; however, the for-hire logbook program is currently fully funded for the foreseeable future.

The extent to which law enforcement will incur direct or opportunity costs is unknown, as such a program has yet to be implemented in the state on a large scale in for-hire fisheries. This makes estimating costs for law enforcement very difficult to quantify with any certainty. NCDMF expects law enforcement to address initial non-compliance through a written letter to those out of compliance with reporting requirements.

³ United States Department of Labor Bureau of Labor Statistics. May 2013 State Occupational Employment and Wage Estimates North Carolina. http://www.bls.gov/oes/current/oes_nc.htm#45-0000.

⁴ United States Department of Labor Bureau of Labor Statistics. Employer Costs for Employee Compensation- March 2014. <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Table 2. Estimated cost of weekly logbook reporting requirements.

Direct Costs	Initial	Recurring
Logbook Printing	\$5,000	\$5,000
Travel	\$3,000	\$3,000
Supplies and Postage	\$10,000	\$10,000
Computer and Database	\$5,000	\$5,000
Web Interface Development	\$25,000	\$5,000
Program Administrator	\$55,000	\$55,000
Data Entry Clerk	\$40,000	\$40,000
Enforcement Costs	Unquantified	Unquantified
Total Direct Costs	\$143,000	\$123,000
Opportunity Costs		
Opportunity Cost to Licensees	\$182,500	\$182,500
Enforcement Costs	Unquantified	Unquantified
Total Opportunity Costs	\$182,500	\$182,500
Total Costs	\$325,500	\$305,500

IV. Benefits

The proposed rule changes implement changes in statute and are expected to improve the licensing process for for-hire fishing operations. They are designed to increase equity of licensing costs between large and small operations as well as provide flexibility to allow for-hire operations to purchase the most suitable license for their business. Furthermore, removing references in rule to the previous for-hire licenses will maintain rule clarity, as statutory changes already eliminated these licenses.

Additionally, the for-hire logbook will improve recreational fishing statistics. NCDMF expects that improved statistical monitoring of for-hire fishing operations will lead to more accurate catch, effort, and release information required for finfish stock assessments, allow NCDMF to better monitor catch quotas, and alleviate many of the areas of uncertainty associated with current survey- and extrapolation-based data. In some years this improved catch information may help extend the fishing season for some species. Additionally, for-hire captains will be able to have access to their personal catch data, which may be used for advertising, business-planning, or personal information purposes.

Finally, removing the fee for the Atlantic Ocean Striped Bass Commercial Gear Permit from rule will reduce redundant rule language as the fee is set and stated in statute. Eliminating the November 1 deadline for purchasing the annual permit will add flexibility for fishermen to participate in the Atlantic Ocean commercial striped bass fishery at any time during the year.

Appendix 1: Proposed Rule Changes

15A NCAC 03I .0101 DEFINITIONS

NOTE: CHANGES TO 15A NCAC 03I .0101 INCLUDE CHANGES FOR THE FOR-HIRE LICENSE AND CHANGES TO THE MANAGEMENT OF SHRIMP WHICH ARE COVERED IN A SEPARATE ANALYSIS.

All definitions set out in G.S. 113, Subchapter IV and the following additional terms apply to this Chapter:

- (1) Enforcement and management terms:
 - (a) Commercial Quota. Total quantity of fish allocated for harvest by commercial fishing operations.
 - (b) Educational Institution. A college, university or community college accredited by an accrediting agency recognized by the U.S. Department of Education; an Environmental Education Center certified by the NC Department of Environment and Natural Resources Office of Environmental Education and Public Affairs; or a zoo or aquarium certified by the Association of Zoos and Aquariums.
 - (c) Internal Coastal Waters or Internal Waters. All Coastal Fishing Waters except the Atlantic Ocean.
 - (d) Length of finfish.
 - (i) Curved fork length. A length determined by measuring along a line tracing the contour of the body from the tip of the upper jaw to the middle of the fork in the caudal (tail) fin.
 - (ii) Fork length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin, except that fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.
 - (iii) Pectoral fin curved fork length. A length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork of the tail measured along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.
 - (iv) Total length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
 - (e) Recreational Possession Limit. Restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
 - (f) Recreational Quota. Total quantity of fish allocated for harvest for a recreational purpose.
 - (g) Regular Closed Oyster Season. March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.

- (h) Scientific Institution. One of the following entities:
 - (i) An educational institution as defined in this Item;
 - (ii) A state or federal agency charged with the management of marine or estuarine resources; or
 - (iii) A professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in Subitems (h)(i) and (ii) of this Item.
 - (i) Seed Oyster Management Area. An open harvest area that, by reason of poor growth characteristics, predation rates, overcrowding or other factors, experiences poor utilization of oyster populations for direct harvest and sale to licensed dealers and is designated by the Marine Fisheries Commission as a source of seed for public and private oyster culture.
- (2) Fishing Activities:
- (a) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from permitted sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:
 - (i) food;
 - (ii) predator protection;
 - (iii) salinity;
 - (iv) temperature controls; or
 - (v) water circulation,
 utilizing technology not found in the natural environment.
 - (b) Attended. Being in a vessel, in the water or on the shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
 - (c) Blue Crab Shedding. The process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:
 - (i) food;
 - (ii) predator protection;
 - (iii) salinity;
 - (iv) temperature controls; or
 - (v) water circulation,
 utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.

- (d) Depuration. Purification or the removal of adulteration from live oysters, clams, or mussels by any natural or artificially controlled means.
 - (e) Long Haul Operations. Fishing a seine towed between two vessels.
 - (f) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.
 - (g) Possess. Any actual or constructive holding whether under claim of ownership or not.
 - (h) Recreational Purpose. A fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.
 - (i) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, or mussels from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
 - (j) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
 - (k) Shellfish production on leases and franchises:
 - (i) The culture of oysters, clams, scallops, or mussels on shellfish leases and franchises from a sublegal harvest size to a marketable size.
 - (ii) The transplanting (relay) of oysters, clams, scallops or mussels from areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
 - (l) Swipe Net Operations. Fishing a seine towed by one vessel.
 - (m) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
 - (n) Use. Employ, set, operate, or permit to be operated or employed.
- (3) Gear:
- (a) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
 - (b) Channel Net. A net used to take shrimp that is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a vessel.
 - (c) Commercial Fishing Equipment or Gear. All fishing equipment used in Coastal Fishing Waters except:
 - (i) Cast nets;
 - (ii) Collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times

- when in the water, except when it is being retrieved from or lowered to the bottom;
- (iii) Dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;
 - (iv) Gigs or other pointed implements which are propelled by hand, whether or not the implement remains in the hand;
 - (v) Hand operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;
 - (vi) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;
 - (vii) Landing nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;
 - (viii) Minnow traps when no more than two are in use;
 - (ix) Seines less than 30 feet in length;
 - (x) Spears, Hawaiian slings or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.
- (d) Corkline. The support structure a net is attached to that is nearest to the water surface when in use. Corkline length is measured from the outer most mesh knot at one end of the corkline following along the line to the outer most mesh knot at the opposite end of the corkline.
 - (e) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
 - (f) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
 - (g) Fyke Net. An entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
 - (h) Gill Net. A net set vertically in the water to capture fish by entanglement of the gills in its mesh as a result of net design, construction, mesh ~~size~~length, webbing diameter, or method in which it is used.
 - (i) Headrope. The support structure for the mesh or webbing of a trawl that is nearest to the water surface when in use. Headrope length is measured from the outer most mesh knot

- at one end of the headrope following along the line to the outer most mesh knot at the opposite end of the headrope.
- (j) Hoop Net. An entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
 - (k) Lead. A mesh or webbing structure consisting of nylon, monofilament, plastic, wire, or similar material set vertically in the water and held in place by stakes or anchors to guide fish into an enclosure. Lead length is measured from the outer most end of the lead along the top or bottom line, whichever is longer, to the opposite end of the lead.
 - (l) Mechanical methods for clamming. Dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
 - (m) Mechanical methods for oystering. Dredges, patent tongs, stick rakes and other rakes when towed by engine power, and any other method that utilizes mechanical means to harvest oysters.
 - (n) Mesh Length. The ~~diagonal~~ distance from the inside of one knot to the outside of the ~~other opposite~~ knot, when the net is stretched ~~hand-tight, hand-tight~~ in a manner that closes the mesh opening.
 - (o) Pound Net Set. A fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.
 - (p) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
 - (q) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh ~~size,~~ length, webbing diameter, or method in which it is used.
- (4) Fish habitat areas. The estuarine and marine areas that support juvenile and adult populations of fish species, as well as forage species utilized in the food chain. Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the early growth and development of fish species. Fish habitats in all Coastal Fishing Waters, as determined through marine and estuarine survey sampling, include:
- (a) Anadromous fish nursery areas. Those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.

- (b) Anadromous fish spawning areas. Those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
- (c) Coral:
 - (i) Fire corals and hydrocorals (Class Hydrozoa);
 - (ii) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
 - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
- (d) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
- (e) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
 - (i) Coralline algae (Division Rhodophyta);
 - (ii) *Acetabularia* sp., mermaid's fan and cups (*Udotea* sp.), watercress (*Halimeda* sp.), green feather, green grape algae (*Caulerpa* sp.) (Division Chlorophyta);
 - (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta);
 - (iv) Sponges (Phylum Porifera);
 - (v) Hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, *Solenastrea* (Class Anthozoa);
 - (vi) Bryozoans (Phylum Bryozoa);
 - (vii) Tube worms (Phylum Annelida), fan worms (*Sabellidae*), feather duster and Christmas treeworms (*Serpulidae*), and sand castle worms (*Sabellaridae*);
 - (viii) Mussel banks (Phylum Mollusca: Gastropoda); and
 - (ix) Acorn barnacles (Arthropoda: Crustacea: *Semibalanus* sp.).
- (f) Nursery areas. Areas that for reasons such as food, cover, bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size which have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.

- (g) Shellfish producing habitats. Historic or existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (h) Strategic Habitat Areas. Locations of individual fish habitats or systems of habitats that provide exceptional habitat functions or that are particularly at risk due to imminent threats, vulnerability, or rarity.
- (i) Submerged aquatic vegetation (SAV) habitat. Submerged lands that:
 - (i) are vegetated with one or more species of submerged aquatic vegetation including bushy pondweed or southern naiad (*Najas guadalupensis*), coontail (*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed (*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton perfoliatus*), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton pectinatus*), shoalgrass (*Halodule wrightii*), slender pondweed (*Potamogeton pusillus*), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche heterophylla*), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*), and wild celery (*Vallisneria americana*). These areas may be identified by the presence of above-ground leaves, below-ground rhizomes, or reproductive structures associated with one or more SAV species and include the sediment within these areas; or
 - (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i) of this Rule within the past 10 annual growing seasons and that meet the average physical requirements of water depth (six feet or less), average light availability (secchi depth of one foot or more), and limited wave exposure that characterize the environment suitable for growth of SAV. The past presence of SAV may be demonstrated by aerial photography, SAV survey, map, or other documentation. An extension of the past 10 annual growing seasons criteria may be considered when average environmental conditions are altered by drought, rainfall, or storm force winds.

This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition, or this Rule or Rules 03K .0304 and .0404, to apply to or conflict with the non-development control activities authorized by that Act.

- (5) Licenses, permits, leases and franchises, and record keeping:

- (a) Assignment. Temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, and is still the responsible party for the license.
- (b) Designee. Any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
- (c) For Hire Vessel. As defined by G.S. 113-174, when the vessel is fishing in state waters or when the vessel originates from or returns to a North Carolina port.
- (d) Logbook. Paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by persons engaged in commercial or recreational fishing or for-hire operators.
- ~~(d)~~(e) Holder. A person who has been lawfully issued in his or her name a license, permit, franchise, lease, or assignment.
- ~~(e)~~(f) Land:
 - (i) For commercial fishing operations, when fish reach the shore or a structure connected to the shore.
 - (ii) For purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when the fish reaches the shore or a structure connected to the shore.
 - (iii) For recreational fishing operations, when fish are retained in possession by the fisherman.
- ~~(f)~~(g) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.
- ~~(g)~~(h) Master. Captain of a vessel or one who commands and has control, authority, or power over a vessel.
- ~~(h)~~(i) New fish dealer. Any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- ~~(i)~~ ~~North Carolina Trip Ticket. Paper forms provided by the Division, and electronic data files generated from software provided by the Division, for the reporting of fisheries statistics that include quantity, method, and location of harvest.~~
- (j) Office of the Division. Physical locations of the Division conducting license and permit transactions in Wilmington, Washington, Morehead City, Roanoke Island and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses or Coastal Recreational Fishing Licenses are not considered Offices of the Division.

- (k) Responsible party. Person who coordinates, supervises, or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations, and the person responsible for use of the issued license in compliance with applicable statutes and rules.
- (l) Tournament Organizer. The person who coordinates, supervises, or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (m) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed, or landed.
- (n) Transfer. Permanent transferal to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.
- (o) Trip Ticket. Paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by licensed fish dealers.

Authority G.S. 113-134; 113-174; 143B-289.52

15A NCAC 030 .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS

NOTE: CHANGES TO 15A NCAC 030 .0101 INCLUDE CHANGES FOR THE FOR-HIRE LICENSE AND CHANGES IN OCEAN FISHING PIER LICENSING WHICH ARE COVERED IN A SEPARATE ANALYSIS.

- (a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for the application by the licensee, a responsible party or person holding a power of attorney:
 - (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application shall be notarized;
 - (2) Current picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
 - (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years, except Blanket Coastal Recreational Fishing Licenses;
 - (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;

- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of incorporation of an individual fishing vessel, the name of the master of that vessel shall also be specified. It is unlawful to fail to notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;
- ~~(6)~~ An affirmation of liability insurance and that the operator is knowledgeable of United States Coast Guard (USCG) safety requirements for the vessel(s) used in the operation in accordance with G.S. 113-168.6 when purchasing a commercial fishing vessel registration with a for-hire endorsement.
- ~~(6)~~(7) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
- ~~(7)~~(8) For nonresidents, certification of the state of residency;
- ~~(8)~~(9) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
- ~~(9)~~(10) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
- ~~(10)~~(11) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept;
- ~~(11)~~(12) When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the applicant shall provide valid certification as a North Carolina certified shellfish dealer;
- ~~(12)~~ In addition, for the Ocean Fishing Pier Blanket Coastal Recreation Fishing License, a valid Ocean Fishing Pier License issued in the name of the applicant or copy thereof.
- (13) In addition, for the ~~For Hire~~ Blanket For-Hire Captain's Coastal Recreational Fishing License, License (CRFL), the applicant shall ~~provide~~provide a valid certification from the USCG that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers; and
- (A) ~~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; and~~
- (B) ~~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.~~
- (14) In addition, for the Blanket For-Hire Vessel CRFL or the Non-Blanket For-Hire Vessel License, 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.

(b) License to Land Flounder from the Atlantic Ocean.

- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
 - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
 - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
 - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
 - (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
 - (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
 - (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
 - (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
 - (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
 - (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.
- (c) To obtain a Recreational Fishing Tournament License to Sell Fish, the tournament organizer shall apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament with the following required information:
- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature shall be notarized on the application.
 - (2) Current picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.
- (d) To obtain a Land or Sell License, the following information is required for a proper application:
- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a

representative of the Division, the licensee's signature on the application shall be notarized on the application;

- (2) Current picture identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
- (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.

(e) Proof of residency in North Carolina for:

- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall require a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and
 - (A) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
 - (B) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
 - (C) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
 - (A) North Carolina voter registration card; or
 - (B) Current North Carolina Driver's License; or
 - (C) Current North Carolina Certificate of Domicile; or
 - (D) Current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
 - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.

(f) Applications submitted without complete and required information shall be deemed incomplete and shall not be considered further until resubmitted with all required information.

(g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of address.

(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.

(i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except Recreational Commercial Gear Licenses, the following is required for the renewal application by the licensee, a responsible party or person holding a power of attorney;

- (1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required if a change has occurred since the last issuance of license, endorsement or commercial fishing vessel registration.
- (2) Certification that articles of incorporation and list of corporate officers, if incorporated, written partnership agreement, if written partnership, or documentation papers or motor boat registration previously provided for initial license purchase are still valid and current for renewal.
- (3) Current and valid state driver's license or state identification picture identification numbers and expiration dates shall be verified on mail license renewal applications or any other electronic license renewal process, otherwise the licensee shall provide a photocopy for renewal by mail or visit a Division License Office and present a current and valid picture identification pursuant to Subparagraph (a)(2) of this Rule.
- (4) The licensee's or responsible party's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications is not required.
- (5) The Division of Marine Fisheries may require current copies of documentation for licenses, endorsements, commercial fishing vessel registration on renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.
- (6) If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the responsible party shall certify that the length is accurate; otherwise, a Marine Patrol Officer's signature is required to certify the linear length before the license can be renewed.
- (7) Certification that shellfish dealer certification by North Carolina previously provided for issuance of Fish Dealer License with clam or oyster categories or consolidated license is still valid and current for renewal.

Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169; 113-169.2-5; 113-171.1; 113-174.3; ~~113-174.4~~; 143B-289.52

15A NCAC 030 .0106 DISPLAY OF LICENSES AND REGISTRATIONS

NOTE: CHANGES TO 15A NCAC 030 .0106 INCLUDE CHANGES FOR THE FOR-HIRE LICENSE AND CHANGES IN OCEAN FISHING PIER LICENSING WHICH ARE COVERED IN A SEPARATE ANALYSIS.

(a) It is unlawful:

- (1) For any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current commercial fishing vessel registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side; and

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- (2) To display any commercial fishing vessel registration decal not issued for the vessel displaying it.
- (b) It is unlawful to fail to display any fish dealer's licenses required by G.S. 113-169.3, ocean fishing pier license required by ~~G.S. 113-169.4~~, or ~~Ocean Fishing Pier Blanket Coastal Recreational Fishing License (CRFL) pursuant to G.S. 113-174.4~~G.S. 113-169.4 in prominent public view in each location subject to licensing.
- (c) It is unlawful to fail to display a current For-Hire License decal on the exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.

Authority G.S. 113-168.6; 113-169.3; 113-169.4; ~~113-174.4~~; 143B-289.52

15A NCAC 030 .0112 FOR HIRE COASTAL RECREATIONAL FISHING

- ~~(a) 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 or a Division of Marine Fisheries For Hire Fishing Permit for the vessel as provided in 15A NCAC 030 .0503(k).~~
- ~~(b)(a) It is unlawful for a For Hire Vessel for-hire operator to operate under the For Hire Blanket CRFL without:~~
- ~~(1) Holding the USCG-United States Coast Guard certification required in 15A NCAC 030 .0101(a)(13);~~
 - ~~(2) Having the For Hire Blanket CRFL for the vessel or copy thereof a copy of the for-hire license in possession and ready at hand for inspection; and~~
 - ~~(3) Having current picture identification in possession and ready at hand for inspection.~~
- ~~(c) It is unlawful for the holder of the For Hire Blanket CRFL to fail to participate in and provide accurate information as requested by the Division for biological sampling and survey programs.~~
- ~~(d) It is unlawful to fail to display a current For Hire Blanket CRFL 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.~~
- (b) It is unlawful to operate a vessel in a for-hire operation without the vessel having a valid Commercial Fishing Vessel Registration with a for-hire endorsement, a Blanket For-Hire Vessel Coastal Recreational Fishing License or a Non-Blanket For-Hire Vessel License.
- (c) It is unlawful for the responsible party of a for-hire license to fail to provide to the Division of Marine Fisheries by Monday of each week a completed for-hire logbook detailing the fishing activity, or a no-activity report, for the previous week. For the purposes of this Paragraph, week is defined as Sunday through Saturday.

Authority G.S. 113-134; 113-174.3; 143B-289.52

15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

NOTE: CHANGES TO 15A NCAC 030 .0501 INCLUDE CHANGES FOR THE FOR-HIRE LICENSE AND CHANGES IN THE MANAGEMENT OF BAY SCALLOPS WHICH ARE COVERED IN A SEPARATE ANALYSIS.

(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) Unexpired picture identification of applicant, responsible party and, when applicable, person holding a power of attorney. Acceptable forms of picture identification are driver's license, 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 will 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:
 - (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; and
 - (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; and
- (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 Oyster Management Areas;

- (3) Permit to Use Mechanical Methods for ~~Oysters or Clams~~ Shellfish 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~~ Upon application for an Atlantic Ocean Striped Bass Commercial Gear Permit, a person shall declare one of the following gears for an initial 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)~~(g) 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)~~(h) 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~~ 15A NCAC 03J .0501, .0505, 03K .0103, .0104, .0107, .0111, .0401, 03O .0502, and .0503 as applicable to the requested permit.

~~(j)~~(i) 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)~~(j) The Division of Marine Fisheries shall notify the applicant in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information, or reasons why the permit should not be denied or modified.

~~(l)~~(k) 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)~~(l) For permit renewals, the permittee's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications is not required.

~~(n)~~(m) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.

~~(o)~~(n) 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)~~(o) 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)~~(p) Permit applications are available at all Division Offices.

Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52

15A NCAC 030 .0503 PERMIT CONDITIONS; SPECIFIC

NOTE: CHANGES TO 15A NCAC 030 .0503 INCLUDE CHANGES FOR THE FOR-HIRE LICENSE AND CHANGES IN THE MANAGEMENT OF RIVER HERRING WHICH ARE COVERED IN A SEPARATE ANALYSIS.

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab monitoring and tagging requirements for horseshoe crabs. Copies of this plan are available from the Atlantic States Marine Fisheries Commission or the Division of Marine Fisheries' Morehead City Headquarters Office, P.O. Box 769, 3441 Arendell St., Morehead City, North Carolina 28557-0769.

(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 the 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 designated on the permit daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred; and

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- (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.
- (3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell, or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring as defined in ~~15A NCAC 03J .0209~~ 15A NCAC 03R .0202.
- (4) Atlantic Ocean Flounder Dealer Permit:
- (A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.
 - (B) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.
- (5) Black Sea Bass North of Cape Hatteras Dealer Permit. It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape

Hatteras (35° 15.0321' N) per day per commercial fishing operation during the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.

(c) Blue Crab Shedding Permit: It is unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.

(d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:

- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.
- (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in this area when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.
- (3) It is unlawful to fail to empty the contents of each net at the end of each tow.
- (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.
- (5) It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206, copies of which are available via the Internet at www.nmfs.gov and at the Division of Marine Fisheries, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

(e) Pound Net Set Permits. Rule 15A NCAC 03J .0505 sets forth the specific conditions for pound net set permits.

(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 acting under an Aquaculture Collection Permit at the time of application.

(g) Scientific or Educational Activity Permit:

- (1) It is unlawful for institutions or agencies seeking exemptions from license, rule, proclamation or statutory requirements to collect, hold, culture or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.
- (2) The Scientific or Educational Activity Permit shall only be issued for scientific or educational purposes and for collection methods and possession allowances approved by the Division of Marine Fisheries.
- (3) The Scientific or Educational Activity Permit shall only be issued for approved activities conducted by or under the direction of Scientific or Educational institutions as defined in Rule 15A NCAC 03I .0101.
- (4) It is unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit a report on collections and, if authorized, sales 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 Activity permits shall be issued on a calendar year basis.
- (5) It is unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:
 - (A) the required license(s) for such sale;
 - (B) authorization stated on the permit for such sale; and
 - (C) providing the information required in Rule 15A NCAC 03I .0114 if the sale is to a licensed fish dealer.
- (6) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees acting under a Scientific or Educational Activity Permit at the time of application.
- (7) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 not later than 24 hours prior to use of the permit, specifying activities and location.

(h) Under Dock Oyster Culture Permit:

- (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
- (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
- (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:

- (A) the application process;
 - (B) permit criteria;
 - (C) basic oyster biology and culture techniques;
 - (D) shellfish harvest area closures due to pollution;
 - (E) safe handling practices;
 - (F) permit conditions; and
 - (G) permit revocation criteria.
- (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in Coastal Fishing Waters shall result in permit revocation.
- (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.
- (j) Coastal Recreational Fishing License Exemption Permit:
- (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
 - (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
 - (A) individuals with physical or mental limitations;
 - (B) members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card, for military appreciation;
 - (C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies, or instructors affiliated with educational institutions; and
 - (D) disadvantaged youths.

For purposes of this Paragraph, educational institutions include high schools and other secondary educational institutions.
 - (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date(s), time and physical location of the organized fishing event for which the exemption is granted and the time period shall not exceed one year from the date of issuance.
 - (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the Fisheries Director in writing a minimum of 30 days prior to the event:

- (A) the name, date(s), time and physical location of the event;
- (B) documentation that substantiates local, state, or federal involvement in the organized fishing event, if applicable;
- (C) the cost or requirements, if any, for an individual to participate in the event; and
- (D) an estimate of the number of participants.

~~(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; and~~
 - ~~(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.~~

Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52

Appendix 2: Excerpts from Session Law 2013-360, Section 14.8 (f), 14.8 (e), and 14.8 (o)

"§ 113-169.1. Permits for gear, equipment, and other specialized activities authorized.

(a) The Commission may adopt rules to establish permits for gear, equipment, and specialized activities, including commercial fishing operations that do not involve the use of a vessel and transplanting oysters or clams. The Commission may establish a fee for each permit established pursuant to this subsection in an amount that compensates the Division for the administrative costs associated with the permit but that does not exceed one hundred dollars (\$100.00) per permit.

(b) The Commission may adopt rules to establish gear specific permits to take striped bass from the Atlantic Ocean and to limit the number and type of these permits that may be issued to a person. The Commission may establish a fee for each permit established pursuant to this subsection in an amount that compensates the Division for the administrative costs associated with the permit but that does not exceed ~~ten dollars (\$10.00)~~thirty dollars (\$30.00) per permit.

(c) To ensure an orderly transition from one permit year to the next, the Division may issue a permit prior to July 1 of the permit year for which the permit is valid. Revenue that the Division receives for the issuance of a permit prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the revenue is received and shall be credited and available to the Division for the permit year in which the permit is valid."

"§ 113-174.3. ~~For Hire Blanket CRFL.~~For-Hire Licenses.

(a) ~~License.— A person who operates a for hire boat may purchase a For Hire Blanket CRFL issued by the Division for the for hire boat. A For Hire Blanket CRFL authorizes all individuals on the for hire boat who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. A For Hire Blanket CRFL does not authorize individuals to engage in recreational fishing in joint fishing waters or inland fishing waters. A For Hire Blanket CRFL is valid for a period of one year from the date of issuance. The fee for a For Hire Blanket CRFL is:~~

- ~~(1) Two hundred fifty dollars (\$250.00) for a vessel that will carry six or fewer passengers.~~
- ~~(2) Three hundred fifty dollars (\$350.00) for a vessel that will carry greater than six passengers.~~

(b) ~~Implementation.— Except as provided in this section and G.S. 113-174.2(d), each individual on board a for hire boat engaged in recreational fishing, other than crew members who do not engage in recreational fishing, must hold a license issued under this Article or Article 25A of this Chapter. An owner, operator, or crew member of a for hire boat is not responsible for the licensure of a customer fishing from the boat.~~

(c) License. – It is unlawful for a person to engage in a for-hire operation without having obtained one of the following licenses issued by the Division:

- (1) Blanket For-Hire Captain's CRFL. – This license allows individuals properly licensed by the United States Coast Guard to carry passengers on any vessel with a commercial vessel registration with a for-hire endorsement. A Blanket For-Hire Captain's CRFL authorizes all individuals on the for-hire vessel who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. The resident fees for a Blanket For-Hire Captain's CRFL are two hundred fifty dollars (\$250.00) for a vessel carrying six or fewer passengers and three hundred fifty dollars (\$350.00) for a vessel carrying more than six passengers. The nonresident fees for a Blanket For-Hire Captain's CRFL are three hundred twelve dollars and fifty cents (\$312.50) for a vessel carrying six or fewer passengers and four hundred thirty-seven dollars and fifty cents (\$437.50) for a vessel carrying more than six passengers. Any vessel whose operator is licensed under this subdivision and that is engaged in for-hire fishing must obtain a Commercial Fishing Vessel Registration with a for-hire endorsement.
- (2) Blanket For-Hire Vessel CRFL. – This license allows any United States Coast Guard licensed operator to carry passengers aboard the licensed vessel. A Blanket For-Hire Vessel CRFL authorizes all individuals on the for-hire vessel who do not hold a license issued under this Article or Article 25A of this Chapter to engage in recreational fishing in coastal fishing waters that are not joint fishing waters. The resident fees for a Blanket For-Hire Vessel CRFL are two hundred fifty dollars (\$250.00) for a vessel carrying six or fewer passengers and three

hundred fifty dollars (\$350.00) for a vessel carrying more than six passengers. The nonresident fees for a Blanket For-Hire Vessel CRFL are three hundred twelve dollars and fifty cents (\$312.50) for a vessel carrying six or fewer passengers and four hundred thirty-seven dollars and fifty cents (\$437.50) for a vessel carrying more than six passengers. Any vessel whose operator is licensed under this subdivision and that is engaged in for-hire fishing is not required to obtain a Commercial Fishing Vessel Registration with a for-hire endorsement.

- (3) Non-Blanket For-Hire Vessel License. – This license allows any United States Coast Guard licensed operator to carry passengers aboard the licensed vessel. This license does not authorize individuals aboard the vessel to engage in recreational fishing unless they hold an individual CRFL issued under this Article or Article 25A of this Chapter. The fee for the Non-Blanket For-Hire Vessel License is twenty-five dollars (\$25.00) for a vessel operated by a resident operator and thirty-seven dollars and fifty cents (\$37.50) for a vessel operated by a nonresident operator. Any vessel whose operator is licensed under this subdivision and that is engaged in for-hire fishing is not required to obtain a Commercial Fishing Vessel Registration with a for-hire endorsement.

(d) A license issued under this section does not authorize individuals to engage in recreational fishing in joint fishing waters or inland fishing waters. All for-hire licenses expire on the last day of the license year.

(e) Each individual who obtains a for-hire license shall submit to the Division logbooks summarizing catch and effort statistical data to the Division. The Commission may adopt rules that determine the means and methods to satisfy the requirements of this subsection."

"§ 113-168.6. Commercial fishing vessel registration.

(a) As used in this subsection, a North Carolina vessel is a vessel that has its primary situs in the State. A vessel has its primary situs in the State if:

- (1) A certificate of number has been issued for the vessel under Article 1 of Chapter 75A of the General Statutes;
- (2) A certificate of title has been issued for the vessel under Article 4 of Chapter 75A of the General Statutes; or
- (3) A certification of documentation has been issued for the vessel that lists a home port in the State under 46 U.S.C. § 12101, et seq., as amended.

(b) The owner of a vessel used in a commercial fishing operation in the coastal fishing waters of the State or a North Carolina vessel used to land or sell fish in the State shall register the vessel with the Division. It is unlawful to use a vessel that is not registered with the Division in a commercial fishing operation or a for-hire operation in the coastal fishing waters of the State. It is unlawful to use a North Carolina vessel that is not registered with the Division to land or sell fish in the State. No registration is required for a vessel of any length that does not have a motor if the vessel is used only in connection with another vessel that is properly registered.

(b1) The vessel owner at the time of application for registration under subsection (b) of this section shall obtain either a commercial vessel endorsement if the vessel is intended to be used primarily for the harvest of fish for sale, a for-hire endorsement if the vessel is intended to be used primarily for for-hire activities, or both endorsements if the vessel is intended to be engaged in both activities. The owner of a vessel applying for a commercial fishing vessel registration with a for-hire endorsement must affirm liability coverage and knowledge of applicable United States Coast Guard safety requirements.

(c) The annual fee for a commercial fishing vessel registration shall be determined by the length of the vessel and shall be in addition to the fee for other licenses issued under this Article. The length of a vessel shall be determined by measuring the distance between the ends of the vessel along the deck and through the cabin, excluding the sheer. The annual fee for a commercial fishing vessel registration is:

- (1) ~~One dollar (\$1.00)~~ One dollar and twenty-five cents (\$1.25) per foot for a vessel not over 18 feet in length.
- (2) ~~One dollar and fifty cents (\$1.50)~~ One dollar and ninety cents (\$1.90) per foot for a vessel over 18 feet but not over 38 feet in length.
- (3) ~~Three dollars (\$3.00)~~ Three dollars and seventy-five cents (\$3.75) per foot for a vessel over 38 feet but not over 50 feet in length.

(4) ~~Six dollars (\$6.00)~~ Seven dollars and fifty cents (\$7.50) per foot for a vessel over 50 feet in length.

(d) A vessel may be registered at any office of the Division. A commercial fishing vessel registration expires on the last day of the license year.

(e) Within 30 days of the date on which the owner of a registered vessel transfers ownership of the vessel, the new owner of the vessel shall notify the Division of the change in ownership and apply for a replacement commercial fishing vessel registration. An application for a replacement commercial fishing vessel registration shall be accompanied by proof of the transfer of the vessel. The provisions of G.S. 113-168.1(h) apply to a replacement commercial fishing vessel registration."