



Fiscal Note for Proposed Inland Fisheries Division Rule Amendments for the Wildlife Resources Commission

Rule Amendments: 15A NCAC 10C.0205 Public Mountain Trout Waters
15A NCAC 10C.0305 Black Bass
15A NCAC 10C.0316 Trout
15A NCAC 10C.0401 Manner of Taking Nongame Fishes: Purchase and Sale
15A NCAC 10C.0402 Taking Nongame Fishes for Bait or Personal Consumption
15A NCAC 10D.0104 Fishing on Game Lands

Agency Contact: Carrie Ruhlman
Policy Analyst
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC
919-707-0011
carrie.ruhlman@ncwildlife.org

Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113 - 134

For reasons outlined below, WRC believes that these rule changes have a minimal fiscal impact pursuant to G.S. 150B-21.4. An analysis of the proposed changes for the rules follows.

BACKGROUND

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources (G.S. 113-131(a)). WRC is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing as equitably as possible the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

As part of its mission, WRC conducts an annual review of its fish, wildlife, boating safety, and other regulations to determine whether such rules need to be adjusted in order to accomplish the objectives of: managing wildlife resources through a biologically sustainable harvest of such resources by hunters, trappers and anglers consistent with sound conservation objectives; ensuring the safety of the boating public; managing Commission-owned land for the

conservation of wildlife resources and the enjoyment of the public; and implementing legislative directives.

A summary of the proposed rule amendments is shown below, with the full text included in Appendix A.

Many of the proposed are expected to change what anglers may harvest in specific waters, where anglers may harvest particular species, and how they may harvest. Some of the proposed changes are expected to increase angling opportunities, while others are expected to restrict angling opportunities. Many of the changes are intended to improve the quality of future angling opportunities. However, they are not expected to impact overall participation in fishing.

Although the Commission does not have a mechanism to determine the fiscal impact of the specific rule changes proposed below, economic research on anglers' value of recreational fishing can provide general context for the impact of rules that affect opportunities for fishing or the quality of those opportunities. Taking the median of the findings across multiple studies, the estimated value of freshwater fishing per person per day is approximately \$53.¹ This figure represents the angler's total willingness to pay to engage in the activity, less the cost to do so. It does not represent any economic activity generated by fishing, such as retail sales, and is not species or location-specific. However, to the extent that the proposed rules induce anglers to increase or decrease their fishing trips in particular areas of the state, this estimate provides a rough approximation of the costs or benefits to the angler.

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

The North Carolina Wildlife Resources Commission (NCWRC) manages approximately 5,300 miles and 2,100 acres of the State's coldwater resources within its Public Mountain Trout Waters program (PMTW), and in 2014, an estimated 148,991 anglers fished for trout in PMTW and contributed approximately \$383 million to the State's economy.² As noted within its Trout Management Plan, the purpose of PMTW is to use science-based decision making and biologically sound management principles to enhance the quality and quantity of trout populations for continued and varied angling opportunities. By designating waters as PMTW the NCWRC is able to enact biologically sound management that ensure the conservation and wise use of trout resources (including efforts focused on the State's only native salmonid: Brook Trout), increase awareness of angling opportunities, invest in infrastructure that provides angling access to all anglers regardless of physical ability, produce and stock approximately 1 million trout annually to provide fisheries, and partner with local (municipalities and counties), state (North Carolina State Parks and North Carolina Forest Service), and federal entities (United States Forest Service) to manage important ecological, cultural, and economic resources.

¹ Rosenberger, Randall S.; White, Eric M.; Kline, Jeffrey D.; Cvitanovich, Claire. 2017. Recreation economic values for estimating outdoor recreation economic benefits from the National Forest System. Gen. Tech. Rep. PNWGTR-957. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 33 p.

² Mountain Trout Fishing: Economic Impacts on and Contributions to North Carolina's Economy, 2015.

The proposed amendment to the Rule will modify the list of waters designated as PMTW and further classified as Hatchery Supported, Delayed Harvest, or Wild Trout Waters. Approximately 1.4 miles of waters will be removed from PMTW to reflect changes in landmarks and partnerships with private landowners. The proposed changes will result in the removal of two reaches.

The proposed changes to this Rule are necessary to clarify designations based upon partnerships with private landowners and overall trout management.

Fiscal Impact

State Impact

This rule amendment will not have an impact because the changes will not impact on-the-ground management. Conservation technicians will change signage as part of their regularly scheduled duties. The change in signage will not require more than one day, at an estimated cost to the agency of approximately \$248 ($\$31 \times 8 \text{ hrs} = \248).

Local Impact

This rule has no local government impact.

Private Impact

Approximately 1.4 miles of PMTW are being removed from public access. While this may constitute a minimal loss of opportunity to the public, the Commission does not have a mechanism to determine the specific fiscal impact of the proposed changes to private individuals, which may include changes to angler behavior (i.e., fishing less or fishing more).

15A NCAC 10C .0305 BLACK BASS

The proposed amendment to the Rule will prohibit possession of black bass in Jean Guite Creek and associated canals within the boundaries of the Town of Southern Shores in Dare County.

The proposed change to this Rule was requested by Town of Southern Shores administrators to increase the number of Largemouth Bass in in Jean Guite Creek and associated canals.

Fiscal Impact

State Impact

This rule amendment will have no impact as the changes are part of routine fisheries management.

Local Impact

This rule has no local government impact.

Private Impact

No substantial fiscal impacts are anticipated. While the proposed rule change will alter what anglers may harvest, they are not expected to impact overall participation in fishing. The Commission does not have a mechanism to determine the specific fiscal impact of the proposed change.

15A NCAC 10C .0316 TROUT

The proposed amendment to the Rule will modify the size and creel limits on the Special Regulation Trout Waters reach of the Catawba River in Burke County by establishing a 14-inch minimum size limit, removing the restriction of only one fish may be greater than 14 inches, and reducing the daily creel limit from seven to two fish.

The proposed change to this Rule is necessary to protect recently stocked Brown Trout and allow the opportunity to produce larger and older trout in the Special Regulation Trout Waters reach of the Catawba River.

Fiscal Impact

State Impact

This rule amendment will have no impact as the change is part of routine fisheries management.

Local Impact

This rule has no local government impact.

Private Impact

No substantial fiscal impacts are anticipated. While the proposed rule change will alter what anglers may harvest, they are not expected to impact overall participation in fishing. The Commission does not have a mechanism to determine the specific fiscal impact of the proposed change.

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

The proposed amendment to the Rule will allow only one fish greater than 32 inches to be possessed in the daily creel for Blue Catfish in the North Carolina portion of John H. Kerr Reservoir, the North Carolina portion of Lake Gaston, and Roanoke Rapids Reservoir. The proposed amendment will also require that the appearance of nongame fishes subject to a length and/or creel limit not be altered such that the fish cannot be identified, measured, or counted.

The proposed change to this Rule for Blue Catfish will protect larger catfish from overharvest and provide opportunity for trophy catfish fisheries in Lake Gaston, John H. Kerr Reservoir, and Roanoke Rapids Reservoir. The second proposed change is necessary because removing the head or tail or otherwise changing the appearance of fish makes it difficult to measure their

original length or count the number in possession. This change will develop consistency in the regulations for inland game and nongame fishes and facilitate enforcement efforts for conservation of certain nongame species.

Fiscal Impact

State Impact

This rule amendment will have no impact as the changes are part of routine fisheries management.

Local Impact

This rule has no local government impact.

Private Impact

No substantial fiscal impacts are anticipated. While the proposed rule changes will alter what anglers may harvest and how anglers handle nongame fish in the field, they are not expected to impact overall participation in fishing. The Commission does not have a mechanism to determine the specific fiscal impact of the proposed change.

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

The proposed amendment to the Rule will remove the requirement that minnow traps must be under the immediate control and attendance of the individual operating them when used to take nongame fish for bait or personal consumption. The proposed amendment will also allow the harvest of nongame fishes for bait with equipment specified for the taking of nongame fishes for bait or personal consumption from impounded waters of power supply reservoirs and municipally-owned water supply reservoirs that are designated as Public Mountain Trout Waters. The proposed amendment will also require that the appearance of nongame fishes subject to a length and/or creel limit not be altered such that the fish cannot be identified, measured, or counted.

The first proposed change to this Rule will provide additional opportunity for constituents and will make regulations consistent with the traditional fishing practice. The second change will allow anglers to collect nongame fish for bait on-site as they do in other similar reservoirs not designated as Public Mountain Trout Waters. Nongame species are abundant in these reservoirs, and there is no biological or management reason to restrict their collection. The third change is necessary because removing the head or tail or otherwise changing the appearance of fish makes it difficult to measure their original length or count the number in possession. This change will develop consistency in the regulations for inland game and nongame fishes and facilitate enforcement efforts for conservation of certain nongame species.

Fiscal Impact

State Impact

This rule amendment will have no impact as the changes are part of routine fisheries management.

Local Impact

This rule has no local government impact.

Private Impact

No substantial fiscal impacts are anticipated. While the proposed rule changes will alter how anglers may fish minnow traps, what anglers may harvest, and how anglers handle nongame fish in the field, they are not expected to impact overall participation in fishing. The Commission does not have a mechanism to determine the specific fiscal impact of the proposed changes.

15A NCAC 10D .0402 FISHING ON GAME LANDS

The proposed amendment to the Rule will designate all waters on Headwaters Game Land in Transylvania County, William H. Silvers Game Land in Haywood County, and Pisgah Game Land in Watauga County as Public Mountain Trout Waters and classify as Wild Trout Waters. In addition, the proposed amendment will reformat the NC Administrative Code by alphabetizing the list of game lands, correct the spelling of DuPont State Forest Game Land, and correct the NC Administrative Code by removing the prohibition on night fishing in Public Mountain Trout Waters on game lands.

The first proposed change to this Rule will provide increased angling opportunities under the Wild Trout Waters classification. The additional proposed changes address technical corrections. The prohibition on night fishing on game lands was removed during the WRC's 2015–2016 regulatory cycle; however, the NC Administrative Code was not updated at the time.

Fiscal Impact

State Impact

This rule amendment will have no impact as the change is part of routine fisheries management.

Local Impact

This rule has no local government impact.

Private Impact

The proposed amendments will add approximately 40 - 50 miles of PMTW. This change is anticipated to increase angling opportunities. However, while the proposed rule will alter where anglers may harvest, they are not expected to impact overall participation in fishing. The Commission does not have a mechanism to determine the specific fiscal impact of the proposed changes.

APPENDIX A: PROPOSED RULES

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

(a) For purposes of this Rule, the following definitions apply:

- (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
- (2) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
- (3) "Youth anglers" are individuals under 18 years of age.

(b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.
- (2) "Catch and Release/Artificial Flies Only Trout Waters" are Public Mountain Trout Waters where only artificial flies having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (3) "Catch and Release/Artificial Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (4) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1 anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (5) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (6) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.

- (7) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
- (8) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single hook. Waters designated as such include tributaries unless otherwise noted.
- (9) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions. Trout may not be possessed while fishing these waters from March 1 until 7:00 a.m. on the first Saturday in April.

(c) Seasons, creel and size limits. Seasons, creel and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

(1) Alleghany

(A) Delayed Harvest Trout Waters are as follows:

Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])

(B) Hatchery Supported Trout Waters are as follows:

Big Pine Creek

Bledsoe Creek

Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)

Cranberry Creek

(Big) Glade Creek

Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)

Meadow Fork

Pine Swamp Creek

Piney Fork

Prathers Creek

(C) Wild Trout Waters are as follows:

All waters located on Stone Mountain State Park

- (2) Ashe County
- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)
- (B) Delayed Harvest Trout Waters are as follows:
 Big Horse Creek (S.R. 1324 bridge to North Fork New River)
 Helton Creek (Virginia state line to New River)
 South Fork New River (upstream end of Todd Island to the SR 1351 bridge)
 Trout Lake
- (C) Hatchery Supported Trout Waters are as follows:
 Beaver Creek (N.C. 221 to ~~South Fork New River~~ confluence of Beaver Creek and South Beaver Creek)
 Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
 Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
 Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
 Cranberry Creek (Alleghany Co. line to South Fork New River)
 Nathans Creek
 North Fork New River (Watauga Co. line to Sharp Dam)
 Old Fields Creek (N.C. 221 to South Fork New River)
 Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
 Roan Creek
 Three Top Creek
- (3) Avery County
- (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
 Elk River (portion on Lees-McRae College property, excluding the millpond)
 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- (B) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 Wilson Creek (game land portion)
- (C) Hatchery Supported Trout Waters are as follows:
 Boyde Coffey Lake
 Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)
 Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway)

boundary line, except where posted against trespassing)

Milltimber Creek

North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)

North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)

Squirrel Creek

Wildcat Lake

(D) Wild Trout Waters are as follows:

Birchfield Creek

Cow Camp Creek

Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)

Gragg Prong

Horse Creek

Kentucky Creek

North Harper Creek

Plumtree Creek

Roaring Creek

Rockhouse Creek

Shawneehaw Creek (portion adjacent to Banner Elk Greenway)

South Harper Creek

Webb Prong

(4) Buncombe County

(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:

Carter Creek (game land portion)

(B) Hatchery Supported Trout Waters are as follows:

Bent Creek (headwaters to N.C. Arboretum boundary line)

Cane Creek (headwaters to S.R. 3138 bridge)

Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)

Dillingham Creek (Corner Rock Creek to Ivy Creek)

Ivy Creek (Ivy River) (Dillingham Creek to U.S. 19-23 bridge)

Lake Powhatan

Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing)

Rich Branch (downstream from the confluence with Rocky Branch)

Stony Creek

Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)

(5) Burke County

(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:

Henry Fork (portion on South Mountains State Park)

(B) Delayed Harvest Trout Waters are as follows:

Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)

(C) Hatchery Supported Trout Waters are as follows:

Carroll Creek (game land portion above S.R. 1405)

Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)

Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)

(D) Special Regulation Trout Waters are as follows:

Catawba River (Muddy Creek to City of Morganton water intake dam)

(E) Wild Trout Waters are as follows:

All waters located on South Mountains State Park, except those waters identified in parts A and B of this Subparagraph

(6) Caldwell County

(A) Delayed Harvest Trout Waters are as follows:

Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)

(B) Hatchery Supported Trout Waters are as follows:

Boone Fork Pond

Buffalo Creek (mouth of Joes Creek to McCloud Branch)

Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)

Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)

Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)

(C) Wild Trout Waters are as follows:

Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)

Joel Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)

Rockhouse Creek

(7) Cherokee County

(A) Hatchery Supported Trout Waters are as follows:

Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)

Hyatt Creek (Big Dam Branch to Valley River)

Junaluska Creek (Ashturn Creek to Valley River)

Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)

Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)

(B) Wild Trout Waters/Natural Bait are as follows:

Bald Creek (game land portion)

Dockery Creek (game land portion)

North Shoal Creek (game land portion)

(8) Clay County

(A) Delayed Harvest Trout Waters are as follows:

Fires Creek (USFS Rd. 340A to the foot bridge in the USFS Fires Creek Picnic Area)

(B) Hatchery Supported Trout Waters are as follows:

Buck Creek (game land portion downstream of U.S. 64 bridge)

Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)

Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)

(9) Graham County

(A) Delayed Harvest Trout Waters are as follows:

(Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)

(B) Hatchery Supported Trout Waters are as follows:

Calderwood Reservoir (Cheoah Dam to Tennessee state line)

Cheoah Reservoir

Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)

Santeetlah Creek (Johns Branch to Lake Santeetlah)

(Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)

Stecoah Creek (upper game land boundary to Lake Fontana)

Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)

West Buffalo Creek

- Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
- (C) Wild Trout Waters are as follows:
 - Little Buffalo Creek
 - South Fork Squally Creek
 - Squally Creek
- (D) Wild Trout Waters/Natural Bait are as follows:
 - Deep Creek
 - Franks Creek
 - Long Creek (game land portion)
- (10) Haywood County
 - (A) Delayed Harvest Trout Waters are as follows:
 - West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Cold Springs Creek (Fall Branch to Pigeon River)
 - Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)
 - Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
 - Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
 - West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)
 - (C) Wild Trout Waters/Natural Bait are as follows:
 - Hemphill Creek
 - Hurricane Creek
- (11) Henderson County
 - (A) Delayed Harvest Trout Waters are as follows:
 - North Fork Mills River (game land portion below the Hendersonville watershed dam)
 - (B) Hatchery Supported Trout Waters are as follows:
 - (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
 - Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
 - Clear Creek (Laurel Fork to S.R. 1582)
 - Green River (Lake Summit powerhouse to game land boundary)
 - (Big) Hungry River

- (12) Jackson County
- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Flat Creek
Tuckasegee River (upstream from the Clark property)
- (B) Delayed Harvest Trout Waters are as follows:
Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank])
- (C) Hatchery Supported Trout Waters are as follows:
Balsam Lake
Bear Creek Lake
Cedar Cliff Lake
Cullowhee Creek (Tilley Creek to Tuckasegee River)
Dark Ridge Creek (Jones Creek to Scott Creek)
Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
Savannah Creek (Shell Branch to Cagle Branch)
Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing)
Tanasee Creek Lake
Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)
Wolf Creek Lake
- (D) Wild Trout Waters are as follows:
Gage Creek
North Fork Scott Creek
Tanasee Creek
Whitewater River (downstream from Silver Run Creek to South Carolina state line)
Wolf Creek (except Balsam Lake and Wolf Creek Lake)
- (E) Wild Trout Waters/Natural Bait are as follows:
Buff Creek
Chattooga River (S.R. 1100 bridge to the South Carolina state line)
Lower Fowler Creek (game land portion)

- Scotsman Creek (game land portion)
- (13) Macon County
- (A) Delayed Harvest Trout Waters are as follows:
Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)
- (B) Hatchery Supported Trout Waters are as follows:
Burningtown Creek (Left Prong to Little Tennessee River)
Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
Cliffside Lake
Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
Nantahala River — upper (Dicks Creek to Whiteoak Creek)
Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
Queens Creek Lake
- (C) Wild Trout Waters/Natural Bait are as follows:
Chattooga River (S.R. 1100 bridge to South Carolina state line)
Jarrett Creek (game land portion)
Kimsey Creek
Overflow Creek (game land portion)
Park Creek
Tellico Creek (game land portion)
Turtle Pond Creek (game land portion)
- (14) Madison County
- (A) Delayed Harvest Trout Waters are as follows:
Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.)
- (B) Hatchery Supported Trout Waters are as follows:
Big Laurel Creek (Mars Hill watershed boundary to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)
Big Pine Creek (S.R. 1151 bridge to French Broad River)
Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)

Max Patch Pond

Meadow Fork Creek (S.R. 1165 to Spring Creek)

Puncheon Fork (Hampton Creek to Big Laurel Creek)

Roaring Fork (Fall Branch to Meadow Fork)

Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)

Shut-in Creek

Spillcorn Creek

Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)

West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)

(C) Wild Trout Waters/Natural Bait are as follows:

Big Creek (headwaters to the lower game land boundary)

(15) McDowell County

(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:

Newberry Creek (game land portion)

(B) Delayed Harvest Trout Waters are as follows:

Catawba River (portion adjacent to Marion Greenway)

Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)

Mill Creek (U.S. 70 bridge to I-40 bridge)

(C) Hatchery Supported Trout Waters are as follows:

Armstrong Creek (Cato Holler line downstream to upper Greenlee line)

Catawba River (Catawba Falls Campground to Old Fort Recreation Park)

Little Buck Creek (game land portion)

Mill Creek (upper railroad bridge to U.S. 70 bridge, except where posted against trespassing)

North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)

(16) Mitchell County

(A) Delayed Harvest Trout Waters are as follows:

Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)

North Toe River (U.S. 19E bridge to N.C. 226 bridge)

(B) Hatchery Supported Trout Waters are as follows:

- Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
- Cane Creek (S.R. 1219 to N.C. 226 bridge)
- East Fork Grassy Creek
- Grassy Creek (East Fork Grassy Creek to mouth)
- Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)
- North Toe River (Avery Co. line to S.R. 1121 bridge)
- (C) Wild Trout Waters are as follows:
 - Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
 - Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)
 - Wiles Creek (game land boundary to mouth)
- (17) Polk County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
 - North Pacolet River (Joels Creek to N.C. 108 bridge)
- (18) Rutherford County
 - (A) Hatchery Supported Trout Waters are as follows:
 - (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)
- (19) Stokes County
 - (A) Hatchery Supported Trout Waters are as follows:
 - Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- (20) Surry County
 - (A) Delayed Harvest Trout Waters are as follows:
 - Ararat River (portion adjacent to the Ararat River Greenway)
 - Mitchell River (.6 mile upstream of the end of S.R. 1333 to the S.R. 1330 bridge below Kapps Mill Dam)
 - (B) Hatchery Supported Trout Waters are as follows:
 - Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)

Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards downstream of N.C. 268 [marked by a sign on each bank])
Fisher River (Cooper Creek) (Virginia state line to I-77 bridge)
Little Fisher River (Virginia state line to N.C. 89 bridge)
Lovills Creek (U.S. 52 Business bridge to Ararat River)
Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)

(21) Swain County

(A) Delayed Harvest Waters Trout Waters are as follows:

Tuckasegee River (U.S. 19 bridge to Slope Street bridge)

(B) Hatchery Supported Trout Waters are as follows:

Alarka Creek (game land boundary to Fontana Reservoir)

Calderwood Reservoir (Cheoah Dam to Tennessee state line)

Cheoah Reservoir

Connelly Creek (Camp Branch to Tuckasegee River)

Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)

Nantahala River (Macon Co. line to existing Fontana Lake water level)

(22) Transylvania County

(A) Catch and Release/Artificial Flies Only Trout Waters are as follows:

Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)

(B) Delayed Harvest Waters Trout Waters are as follows:

East Fork French Broad River (~~Glady Fork~~ East Fork Baptist Church to French Broad River)

Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)

(C) Hatchery Supported Trout Waters are as follows:

Davidson River (Avery Creek to lower USFS boundary)

French Broad River (confluence of North Fork French Broad River and West Fork)

French Broad River to the Island Ford Rd. [S.R. 1110] Access Area

Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)

West Fork French Broad River (Camp Cove Branch to confluence with North Fork French Broad River)

- (D) Wild Trout Waters are as follows:
 - All waters located on Gorges State Park
 - Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- (E) Wild Trout Waters/Natural Bait are as follows:
 - North Fork French Broad River (game land portion downstream of S.R. 1326)
 - Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 - Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
 - Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
 - (B) Delayed Harvest Trout Waters are as follows:
 - Lake Coffey
 - Watauga River (adjacent to intersection of S.R. 1557 and S.R. 1558 to N.C. 105 bridge and S.R. 1114 bridge to N.C. 194 bridge at Valle Crucis)
 - (C) Hatchery Supported Trout Waters are as follows:
 - Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
 - Beech Creek
 - Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
 - Buckeye Creek Reservoir
 - Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
 - Dutch Creek (second bridge on S.R. 1134 to mouth)
 - Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
 - Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
 - Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
 - Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
 - Norris Fork Creek
 - South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to

lower boundary of Brookshire Park)

Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co.line)

(D) Wild Trout Waters are as follows:

Dutch Creek (headwaters to second bridge on S.R. 1134)

Howard Creek

Maine Branch (headwaters to North Fork New River)

North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)

Watauga River (Avery Co. line to S.R. 1580 bridge)

Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)

(24) Wilkes County

(A) Delayed Harvest Trout Waters are as follows:

East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)

Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)

Elk Creek — lower (portion on Leatherwood Mountains development)

Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)

Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)

(B) Hatchery Supported Trout Waters are as follows:

Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)

Bell Branch Pond

Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)

Darnell Creek (North Prong Reddies River) (downstream ford on S.R. 1569 to confluence with North Fork Reddies River)

East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)

Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)

Middle Fork Reddies River (Clear Prong) (headwaters to bridge on S.R. 1580)

Middle Prong Roaring River (headwaters to bridge on S.R. 1736)

North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on S.R. 1559)

Pike Creek

Pike Creek Pond

South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)

South Prong Lewis Fork (Fall Creek to S.R. 1155 bridge)

(C) Wild Trout Waters are as follows:

All waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek downstream to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply

(25) Yancey County

(A) Catch and Release/Artificial Flies Only Trout Waters are as follows:

South Toe River (headwaters to Upper Creek)

Upper Creek

(B) Delayed Harvest Trout Waters are as follows:

Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)

(C) Hatchery Supported Trout Waters are as follows:

Bald Mountain Creek (except where posted against trespassing)

Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)

Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)

South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing)

(D) Wild Trout Waters are as follows:

Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)

Lickskillet Creek

Middle Creek (game land boundary to mouth)

History Note: Authority G.S. 113-272; 113-292;

15A NCAC 10C .0305 BLACK BASS

(a) The daily creel limit for Largemouth, Smallmouth, and Spotted Bass — collectively known as Black Bass - is five fish, except in waters identified in Paragraphs (b), (c), ~~and (d)~~ (d), and (o) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), ~~and (m)~~ (m), and (o) of this Rule. There is no closed season, except for waters identified in Paragraph (l) and (o) of this Rule.

(b) In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(c) In Lake Santeetlah in Graham County, there is no daily creel limit for Black Bass less than 14 inches. The daily creel limit for Black Bass greater than 14 inches is five fish.

(d) In Lake Chatuge in Clay County, the daily creel limit for Black Bass is 10 fish, the minimum size limit for Largemouth Bass is 12 inches, and there is no minimum size limit for Smallmouth Bass and Spotted Bass.

(e) The minimum size limit for Black Bass is 14 inches in the following:

- (1) Lake Raleigh in Wake County;
- (2) Pungo Lake in Washington and Hyde counties;
- (3) New Lake in Hyde County; and
- (4) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernong River, and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).

(f) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(g) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit is 14 inches, and no fish between 16 and 20 inches may be possessed.

(h) In Shearon Harris Reservoir and Lake Hampton in Yadkin County, there is no minimum size limit for Black Bass, but only two Black Bass less than 14 inches and no Black Bass between 16 and 20 inches may be possessed.

(i) In Randleman Reservoir, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(j) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Black Bass is 18 inches.

(k) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) there is no minimum size limit for Black Bass, but no fish between 14 and 22 inches in length may be

possessed and only one Black Bass greater than 22 inches may be possessed.

(l) In Sutton Lake, the minimum size limit for Black Bass is 14 inches and no Black Bass may be possessed from December 1 through March 31.

(m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(n) In Jean Guite Creek and associated canals within the Town of Southern Shores, Dare County, no Black Bass may be possessed.

(o) For purposes of this Rule, creel limits apply to Largemouth, Smallmouth, and Spotted Bass in aggregate unless otherwise specified.

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

15A NCAC 10C .0316 TROUT

- (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.
- (b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.
- (c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.
- (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.
- (e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows: in the Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is ~~seven~~two fish. ~~There is no minimum size limit for these fish, but only one may be greater than~~The minimum size limit is 14 inches. There is no closed season.
- (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.
- (g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.
- (i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

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

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line, or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following exceptions:

- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- (2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length, or possess such herring regardless of origin in:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) all the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of I-95.
- (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.
- (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.
- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

(c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:

- (1) alewife and blueback herring, excluding those less than six inches in length collected from

Kerr Reservoir (Granville, Vance, and Warren counties);

- (2) blue crab; and
- (3) bowfin.

(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw in Columbus County, and in University Lake in Orange County. The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).

(e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish by means other than hook and line; the daily creel limit is six catfish in aggregate. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.

(f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following reservoirs:

- (1) Lake Norman;
- (2) Mountain Island Lake;
- (3) Lake Wylie;
- (4) Badin Lake; ~~and~~
- (5) ~~Lake Tillery.~~ Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Lake Gaston (North Carolina portion); and
- (8) Roanoke Rapids Reservoir.

(g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.

(h) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame 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 nongame 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; 113-272; 113-292;

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
- (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
- (6) a gig (except in Public Mountain Trout Waters);
- (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
- (8) up to two eel pots;
- (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
- (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, ~~and that are under the immediate control and attendance of the individual operating them;~~ from which all fish and animals are removed daily, and which are labeled with the owner's North Carolina Wildlife Resources Commission customer number or name and address;
- (11) a hand-held line with a single bait attached;
- (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or
- (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

(b) The use of equipment under this Rule only requires a valid license that provides basic inland fishing privileges.

- (c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.
- (d) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).
- (e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:
- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
 - (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken, and no such river herring shall be possessed regardless of origin:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of Interstate 95.
 - (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.
- (f) Any fishes taken for bait purposes are included within the daily possession limit for that species.
- (g) It is unlawful to take nongame fish for bait or any other fish bait ~~from designated public mountain trout waters and from the bodies of water specified for the following counties:~~ waters:
- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs;
 - (2) Bear Creek in Chatham County; ~~County;~~
 - (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;
 - (4) Fork Creek in Randolph County; and
 - (5) Rocky River in Chatham County.
~~Bear Creek~~
 - (2) ~~Lee County;~~
~~Deep River~~

~~(3) — Moore County:~~

~~Deep River~~

~~(4) — Randolph County:~~

~~Deep River below the Coleridge Dam~~

~~Fork Creek~~

(h) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings, it is unlawful to transport, possess, or release live river herring (alewife and blueblack).

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame 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 nongame 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; 113-272; 113-272.3; 113-292;

15A NCAC 10D .0104 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands that are open to fishing shall be in accordance with the North Carolina rules. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, ~~bow and arrow~~, archery equipment, or other special fishing device of a type mentioned in 15A NCAC 10C .0404(b),(c),(d), and (f) may be used in any impounded waters located entirely on game lands. ~~Bow and arrow~~ Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands shall have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

~~(1) — Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land and in all waters on the Dupont State Forest Game Land from one half hour after sunset to one half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of the Nantahala River located downstream from the Swain County line, and in the sections of Green River in Polk County located on Green River Game Lands from Cove Creek downstream to the natural gas pipeline crossing.~~

~~(2)(1) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except as noted: Cherokee Lake, Grogan Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, Nolichucky River, Mill Ridge Pond, Cheoah River downstream of Santeetlah Reservoir, Little River from 100 yards downstream of Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn Lake, North Fork Catawba River downstream of the mouth of Armstrong Creek, Green River downstream of the natural gas pipeline crossing, and Spring Creek below US Forest Service road 223.~~

~~Dupont State Forest Game Lands in Henderson and Transylvania counties.~~

~~Three Top Mountain Game Land in Ashe County.~~

~~Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties.~~

~~Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood,~~

~~Henderson, Madison, McDowell, Mitchell, Transylvania, and Yancey counties.~~

~~Thurmond Chatham Game Land in Wilkes County.~~

~~Toxaway Game Land in Transylvania County.~~

~~South Mountains Game Land in Cleveland and Rutherford counties.~~

~~Cold Mountain Game Land in Haywood County.~~

~~Green River Game Land in Henderson and Polk counties.~~

~~Pond Mountain Game Land in Ashe County.~~

~~Rendezvous Mountain State Forest Game Land in Wilkes County.~~

(A) Cold Mountain Game Land in Haywood County;

(B) DuPont State Forest Game Lands in Henderson and Transylvania counties, except Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, and Fawn Lake;

(C) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing;

(D) Headwaters Game Land in Transylvania County;

(E) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake;

(F) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except Grogan Creek, North Fork Catawba River downstream of the mouth of Armstrong Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Mill Ridge Pond, Nolichucky River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, and Spring Creek below US Forest Service road 223;

(G) Pond Mountain Game Land in Ashe County;

(H) Rendezvous Mountain State Forest Game Land in Wilkes County;

(I) South Mountains Game Land in Cleveland and Rutherford counties;

(J) Three Top Mountain Game Land in Ashe County;

(K) Thurmond Chatham Game Land in Wilkes County;

(L) Toxaway Game Land in Transylvania County; and

(M) William H. Silvers Game Land in Haywood County.

~~(3)~~(2) All designated public mountain trout waters located on the game lands listed in

Subparagraph (b)(1) of this Rule are Wild Trout Waters unless classified otherwise. [See 15A NCAC 10C .0205(d)]

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;