



◊ North Carolina Wildlife Resources Commission ◊

Cameron Ingram, Executive Director

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RE: Comments on Division of Marine Fisheries Joint Fishing Water Rules (15A NCAC 03Q .0100)

The Wildlife Resources Commission (WRC) respectfully submits the following comments on the Division of Marine Fisheries (DMF) Joint Fishing Water Rules, formally proposed by the Marine Fisheries Commission (MFC) on August 20, 2020 and noticed in the N.C. Register on October 1, 2020.

15A NCAC 03Q .0101 Scope and Purpose

This rule states that all rules in Section 03Q .0100 are adopted jointly by the MFC and WRC. As such, we believe that re-adoption of these rules will require a vote from both boards prior to completion of the rule-making process. While the WRC does not oppose the MFC noticing these unchanged rules, we would appreciate the chance to discuss potential updates to these 30-year old rules and the DMF's plan to ensure joint re-adoption prior to final approval.

15A NCAC 03Q .0102 Inland Fishing Waters

Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129.

15A NCAC 03Q .0103 Coastal Fishing Waters

Per G.S. 150B-19(4), an agency may not adopt a rule that repeats the content of a law, a rule, or a federal regulation. The first sentence of this rule re-states the statutory definition of coastal fishing waters and should be revised to reference G.S. 113-129. Additionally, the list of inland game fish is outdated. This sentence should be revised to either list current species or reference Rule 15A NCAC 10C .0301 Inland Game Fishes Designated.

15A NCAC 03Q .0105 Posting Dividing Lines

While posting dividing lines was historically the preferred and most accurate method for differentiating the classifications on the water, this is likely no longer the most accurate means of communicating this information to the public. We believe, at a minimum, this rule should be updated to reference the

descriptive boundaries of Coastal-Joint-Inland Waters, currently in Rule 03Q .0202, and direct the public to online maps for more accurate and dependable information. However, we also believe the descriptive boundaries of Coastal-Joint-Inland Waters should be moved to this rule or another joint rule within this Section, to ensure mutual agreement on the dividing lines through joint rulemaking in the future.

15A NCAC 03Q .0106 Applicability of Regulations: Joint Waters

Subparagraph (b)(2) of this Rule is inaccurate, as it does not account for the Coastal Recreational Fishing License (CRFL). Since 2007, either an inland fishing license or CRFL has been acceptable licensure for hook-and-line fishing in joint waters. Additionally, as license requirements are specified in statute, we recommend removing them from this rule.

Subparagraph (b)(3) does not accurately describe how regulations are implemented and enforced on the water. Over time, the premise from which this rule was written has changed, as has the application. Amendments are needed to make requirements of this rule reflect expectations of implementation on the water. These amendments should be determined based on discussion and agreement between the DMF and the WRC. Prior to readoption, the WRC would welcome a discussion on amendments to this rule.

General

The names of both DMF and WRC enforcement officers are inconsistent throughout these rules. Please update all rules to use the phrase “wildlife officers” when referencing WRC enforcement.

The WRC intends to modify the joint rules in Section 10C .0100 to address the issues mentioned above and incorporate technical changes to ensure compliance with current Administrative Procedure Act requirements. We would be happy to share those proposed amendments with the DMF and would welcome the opportunity to collaborate on changes to ensure consistency between joint fishing water rules in both sections of the N.C. Administrative Code prior to readoption.

We look forward to working with you and thank you for the opportunity to comment on these proposed rules. If you have any questions, please contact me at 919-707-0011 or carrie.ruhlman@ncwildlife.org.

Regards,



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