

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: Generally, to all rules.

**DEADLINE FOR RECEIPT: April 11, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Adding definitions would have made these rules much shorter.*

*The agency also uses the initialism "WVC" throughout its rules and in the absence of a definitions page defining the initialism a reader must search other rules to determine what the initialism means.*

*The better practice is to have a definitions rule which includes all initialisms.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0601

**DEADLINE FOR RECEIPT: April 11, 2025**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 7: "hereinafter" refers to the balance of rule not all of the rules in this Section. If the agency intends the initialism to apply to the rest of the section, add WVC as a definition here.*

*Lines 9-10: It is unclear what the agency means by this sentence. "Violations" is an undefined term.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: April 4, 2025

1 15A NCAC 03O .0601 is adopted as published in 39:07 NCR 383 as follows:  
2

3 **SECTION .0600 – INTERSTATE WILDLIFE VIOLATOR COMPACT (WVC)**  
4

5 **15A NCAC 03O .0601 WVC GENERAL PROVISIONS**

6 (a) The purpose of this Section is to establish the rules necessary to implement G.S. 113 Article 22B, the Interstate  
7 Wildlife Violator Compact (hereinafter referred to as WVC).

8 (b) The rules in this Section shall apply to any person possessing a license, privilege, or right to take, possess, sell,  
9 buy, or transport wildlife in the State of North Carolina. Violations under this Section apply only to offenses charged  
10 by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries or under G.S. 113-136(d).  
11 The rules shall not apply to any offenses committed in North Carolina or any other WVC state prior to July 1, 2025.

12 (c) The definitions in G.S. 113-300.6 Article II shall apply throughout this Section and to all forms prescribed pursuant  
13 to this Section, unless otherwise indicated.

14 (d) For the purpose of this Section, "member state" shall mean "party state" as defined in G.S. 113-300.6.  
15

16 *History Note: Authority G.S. 113-134; 113-300.7;*  
17 *Eff. May 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0602

**DEADLINE FOR RECEIPT: April 11, 2025**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 5: A "guideline" does not fall within the definition of a "rule" pursuant to G.S. 150B-2(8a).*

*Lines 4-7: While Articles II, III, IV, V, VI of Section II, and portions of Sections III and IV of the Wildlife Violator Compact Operations "Manual" set forth standards which might be incorporated as rules in the NC Administrative Code, the balance does not. In short, the Compact is an agreement among the member states setting forth terms to which the member states must abide. It is not a substitute for the adoption of administrative rules to fulfill the obligations of member states to the terms of compact. See Section .1400 of Chapter 10, Title 15A of the North Carolina Administrative Code for an example.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: April 4, 2025

1 15A NCAC 03O .0602 is adopted as published in 39:07 NCR 383 as follows:

2  
3 **15A NCAC 03O .0602 WVC OPERATIONS MANUAL**

4 The Wildlife Violator Compact Operations Manual and G.S. 113-300.6 hereby establish the administrative and  
5 procedural guidelines for participation in the WVC. The Wildlife Violator Compact Operations Manual is  
6 incorporated by reference including subsequent amendments and editions, and is available at  
7 <http://www.ncwildlife.org> or <http://www.deq.nc.gov/wildlifeviolatorcompact>, at no cost.

8  
9 *History Note: Authority G.S. 113-134; 113-300.7;*

10 *Eff. May 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0603

**DEADLINE FOR RECEIPT: April 11, 2025**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 5: "Offenses" does not appear to be defined term. What "laws" administered by the Division "offenses"?*

*Line 5: Define "inspector."*

*Line 8: Change "may" to "shall" or state the criteria which will be used in exercising the discretion.*

*Line 9: The "violation consists of" a written citation?*

*Line 11: Who decides that there has been a failure to comply? The Division?*

*Line 14: While Articles II, III, IV, V, VI of Section II, and portions of Sections III and IV of the Wildlife Violator Compact Operations "Manual" set forth standards which might be incorporated as rules in the NC Administrative Code, the balance does not. In short, the Compact is an agreement among the member states setting forth terms to which the member states must abide. It is a substitute for the adoption of administrative rules to fulfill the obligations of member states to the terms of compact. See Section .1400 of Chapter 10, Title 15A of the North Carolina Administrative Code for an example.*

*Lines 15-17: There is no context. How did the Division come into possession of the non-resident's license?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 4, 2025

1 15A NCAC 03O .0603 is adopted as published in 39:07 NCR 383-384 as follows:

2  
3 **15A NCAC 03O .0603 WVC CONDITIONS FOR NORTH CAROLINA VIOLATIONS BY NON-**  
4 **RESIDENTS**

5 (a) All offenses charged by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries  
6 or under G.S. 113-136(d) are subject to the provisions of the WVC.

7 (b) Non-residents of North Carolina who are residents of a WVC member state at the time of a misdemeanor violation  
8 as set forth in Paragraph (a) of this Rule occurring in North Carolina may be released on personal recognizance when  
9 the violation consists of a written citation requiring a violator to resolve the violation directly with the court, either in  
10 person, by mail, or through an attorney.

11 (c) Upon failure to comply with the terms of a citation issued by an inspector, the Division shall send notice of failure  
12 to comply. The notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife violator  
13 or be delivered personally. The Division shall report the failure to comply to the non-resident's home state to start  
14 suspension procedures in accordance with the Wildlife Violator Compact Operations Manual.

15 (d) To have any licenses or permits returned by the Division, the non-resident shall submit to the Division a judgment,  
16 receipt, or other official record indicating that the citation has been resolved through the North Carolina Court System.  
17 The Division shall return affected licenses and permits.

18  
19 *History Note: Authority G.S. 113-134; 113-300.7;*  
20 *Eff. May 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0604

**DEADLINE FOR RECEIPT: April 11, 2025**

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 6: Should it not be "fail"?*

*Line 9: From whom?*

*Line 11-13: Consider making Subparagraph (1) Subparagraph (4). It would read better.*

*Line 16: Consider "the notice of suspension shall identify the state from which the notice of suspension was issued and state any details of the violation and procedures to resolve the suspension provided by the issuing state to the Division."*

*Lines 19: Appealing the suspension to whom? The issuing state? The Division?*

*Line 20: What rule establishes the "ratification" process?*

*Lines 23-26: Consider: "(d) ... it is the responsibility of the resident to submit a copy of either the court judgment resolving the matter or a notice of compliance from the issuing state. Upon receipt, the Division shall rescind any suspension and return any licenses or permits relevant to the Notice of Suspension."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 4, 2025



1 15A NCAC 03O .0604 is adopted as published in 39:07 NCR 384 as follows:

2  
3 **15A NCAC 03O .0604 WVC CONDITIONS FOR NORTH CAROLINA RESIDENTS FOR FAILURE TO**  
4 **APPEAR OR FAILURE TO COMPLY IN ANOTHER WVC MEMBER STATE**

5 (a) North Carolina residents who commit a wildlife violation as defined by G.S. 113-300.6 in another WVC member  
6 state, who upon release on personal recognizance from the issuing state, failed to resolve the terms of his or her  
7 citation, shall have any licenses and permits for which the Division of Marine Fisheries has enforcement authority in  
8 North Carolina suspended pursuant to G.S. 113-300.7.

9 (b) If the Division receives notice of an unresolved citation, a Notice of Suspension shall be prepared and sent to the  
10 wildlife violator as follows:

11 (1) the suspension shall have a delayed effective date of at least 14 business days from the date of the  
12 mail used to send the notice of suspension to the wildlife violator, to allow the wildlife violator to  
13 contact the court in the issuing state and resolve the citation;

14 (2) the notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife  
15 violator or be delivered personally;

16 (3) the notice of suspension shall inform the violator of the issuing state from which the wildlife violator  
17 is suspended, the details of the violation provided by that issuing state to the Division, and  
18 procedures to be followed in resolving the matter with the court in the issuing state; and

19 (4) the notice shall provide the procedure for appealing the suspension.

20 (c) Any suspension ratified by the Division shall remain in effect until such time as the North Carolina resident  
21 resolves the violation in the issuing state.

22 (d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of  
23 the resident to notify the Division and present documentation of compliance by submitting a copy of either the court  
24 judgment resolving the matter or a Notice of Compliance from the issuing state. Upon receipt of the required  
25 documentation, the Division shall issue an acknowledgement of compliance to the resident. If the acknowledgement  
26 is issued before the effective date of the suspension, the suspension shall be rescinded. If the acknowledgment of  
27 compliance is issued after the effective date of the suspension, the Division shall return any licenses or permits.

28 (e) The issuing state shall be notified by the Division if the suspension order is overturned by the Office of  
29 Administrative Hearings.

30  
31 *History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;*

32 *Eff. May 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0605

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: Define "wildlife violations."*

*Lines 13 and 22: Change "may" to "shall" or state the criteria which will be used in exercising the discretion.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: April 4, 2025

1 15A NCAC 03O .0605 is adopted with changes as published in 39:07 NCR 384 as follows:

2  
3 **15A NCAC 03O .0605 WVC RECIPROCAL RECOGNITION OF SUSPENSIONS**

4 (a) When the Division of Marine Fisheries receives notice of a suspension from a WVC member state of a person's  
5 license or permit that is the result of a conviction or an accumulation of convictions of wildlife violations in one or  
6 more WVC member states, the Division shall determine whether the conviction, or accumulation of convictions,  
7 leading to the suspension could have led to the suspension of licenses and permits for which the Division has  
8 enforcement authority pursuant to Chapter 113, Subchapter IV of the General Statutes. If it is determined that the  
9 person's licenses and permits would have been suspended under Chapter 113, Subchapter IV of the General Statutes,  
10 the person's North Carolina licenses and permits shall be suspended pursuant to G.S. 113-300.7 for the period of  
11 suspension imposed by the WVC member state where the violation occurred.

12 (b) North Carolina shall communicate suspension information to other WVC member states using the WVC database,  
13 and may include the following information about the wildlife violator:

- 14 (1) name;  
15 (2) date of birth;  
16 (3) last known address;  
17 (4) violations and convictions upon which the suspension is based;  
18 (5) scope of the ~~suspension (e.g., suspension, such as fishing, hunting, trapping, or all privileges or~~  
19 ~~rights); rights;~~ and  
20 (6) effective dates of the suspension and term of the suspension.

21 (c) In the event documentation of a violation and subsequent license suspension is needed by a WVC member state  
22 for license suspension hearings or other purposes, the Division may provide certified copies of the citation or other  
23 charging instrument, any arrest or investigation reports, suspension orders, and the disposition of the matter.

24  
25 *History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;*  
26 *Eff. May 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0606

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 6: Where in this Section is "revocation" contemplated?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: April 4, 2025

1 15A NCAC 03O .0606 is adopted as published in 39:07 NCR 384 as follows:

2  
3 **15A NCAC 03O .0606 APPEALS**

4 A person served with a notice of suspension or revocation pursuant to this Section may obtain an administrative review  
5 of the suspension or revocation pursuant to G.S. 150B-23. Notice of the right to administrative review shall be included  
6 in the notice of suspension or revocation.

7  
8 *History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;*  
9 *Eff. May 1, 2025.*