

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0101 / 15A NCAC 03Q .0101

DEADLINE FOR RECEIPT: August 11, 2022

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:

This is not a rule and will be objected to on this ground. Please refer to G.S. 150B-2(8a) for the definition of "rule", particularly (8a) (a), (c), and (g).

Regardless of whether or not it is a rule, please fix the following:

WRC: please see MFC's version, which includes the Subchapter and Section headings. Please correct this formatting.

Add an oxford comma after "inland fishing waters" in the first sentence.

For: "In addition to the classification of the waters of the state [capitalize State][add comma here for clarity] these joint rules..."

WRC: please put your History Note, Statutory Authority in numerological order.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0101 is readopted without substantive changes as published in 36:20 NCR 1623 as follows:

2
3 **SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS**

4
5 **SECTION .0100 - GENERAL REGULATIONS: JOINT**

6
7 **15A NCAC 03Q .0101 SCOPE AND PURPOSE**

8 The rules in this Section pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
9 fishing waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the
10 Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set forth
11 guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and
12 which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations
13 applicable in joint waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife
14 Resources Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the
15 Wildlife Resources Commission in any matters other than those specifically set out.

16
17 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

18 *Eff. January 1, 1991;*

19 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0101 is readopted as published in 36:14 NCR 1237 as follows:

2

3 **15A NCAC 10C .0101 SCOPE AND PURPOSE**

4 The following rules pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing
5 waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and the Wildlife
6 Resources Commission. In addition to the classification of the waters of the state these joint rules set forth guidelines
7 to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are
8 regulated by the Wildlife Resources Commission. Finally, the joint rules set forth special fishing regulations
9 applicable in joint waters that can be enforced by officers of the division of marine fisheries and the Wildlife Resources
10 Commission. These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife
11 Resources Commission in any matters other than those specifically set out.

12

13 *History Note: Authority G.S. 113-134; 113-132; 113-136;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1977.*

16 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0102 / 15A NCAC 03Q .0102

DEADLINE FOR RECEIPT: August 11, 2022

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:

Line 4, please remove the semicolon.

Line 6, switch "which" to "that" and delete "which are" on the following line.

WRC: Please remove the "Note" at the end of the rule as this is not reflected in the MFC rule. Also, please put the statutory authority in order.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0102 is readopted without substantive changes as published in 36:20 NCR 1623 as follows:

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3 **15A NCAC 03Q .0102 INLAND FISHING WATERS**

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

12

13 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0102 is readopted as published in 36:14 NCR 1237 as follows:

2

3 **15A NCAC 10C .0102 INLAND FISHING WATERS**

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

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

16

17 *History Note: Authority G.S. 113-134; 113-129; 113-132;*

18 *Eff. February 1, 1976;*

19 *Amended Eff. January 1, 1977.*

20 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0103 / 15A NCAC 03Q .0103

DEADLINE FOR RECEIPT: August 11, 2022

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:

MFC: Change the semicolons on line 4 to commas.

Please change "which" to "that" in the second sentence and delete "which are" in that same sentence.

In the third sentence, please change "regulations" to "regulation".

Also in the third sentence, please remove the parenthesis. The list of fish within the parenthesis is different in the two sets of rules. WRC uses "sea trout", whereas MFC uses "seatrout". Choose one spelling. WRC also includes "red drum, flounder, white perch, yellow perch", whereas MFC does not. The two agencies need to be in agreement on this, otherwise WRC must remove the additional species from the rule.

MFC uses "fisheries enforcement officers". WRC uses "marine fisheries inspectors". Pick one.

MFC uses "wildlife enforcement officers". WRC uses "wildlife officers". Pick one.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0103 is readopted without substantive changes as published in 36:20 NCR 1623-1624 as follows:

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3 **15A NCAC 03Q .0103 COASTAL FISHING WATERS**

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

14

15 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

16 *Eff. January 1, 1991;*

17 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0103 is readopted with changes as published in 36:14 NCR 1237 as follows:

2
3 **15A NCAC 10C .0103 COASTAL FISHING WATERS**

4 ~~(a)~~ Coastal fishing waters are the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing
5 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
6 the Wildlife Resources Commission. ~~[those defined in G.S. 113-129.]~~ All waters which are tributary to coastal fishing
7 waters and which ~~that~~ are not otherwise designated by agreement between the Marine Fisheries Commission and the
8 Wildlife Resources Commission are coastal fishing waters. ~~[in rule shall be coastal fishing waters.]~~

9 ~~(b)~~ The regulations ~~[regulation]~~ and licensing of fishing in coastal fishing waters is ~~[waters, excluding joint fishing~~
10 ~~waters, shall be]~~ under the jurisdiction of the Marine Fisheries Commission; except that ~~[the following]~~ inland game
11 fish ~~(exclusive of spotted sea trout, red drum, flounder, white perch, yellow perch, weakfish, and striped bass)~~ are
12 subject to regulations ~~[regulation]~~ by the Wildlife Resources Commission ~~[when found]~~ in coastal fishing waters.
13 ~~[waters:]~~

14 ~~(1)~~ ~~[brown, brook, and rainbow trout;]~~

15 ~~(2)~~ ~~[muskellunge, chain, and redfin pickerel;]~~

16 ~~(3)~~ ~~[Alabama, largemouth, smallmouth, and spotted bass;]~~

17 ~~(4)~~ ~~[Roanoke and rock bass;]~~

18 ~~(5)~~ ~~[kokanee salmon;]~~

19 ~~(6)~~ ~~[black and white crappie;]~~

20 ~~(7)~~ ~~[bluegill, redbreast, redear, pumpkinseed, warmouth, flier, and all other species in the Centrarchidae~~
21 ~~family; and]~~

22 ~~(8)~~ ~~[walleye and sauger.]~~

23 ~~(c)~~ Regulations ~~[Rules]~~ and laws administered by the Marine Fisheries Commission regarding fishing in coastal
24 ~~[fishing]~~ waters are ~~[waters, excluding joint fishing waters, shall be]~~ enforced by marine fisheries inspectors.
25 Regulations ~~[Rules and laws]~~ regarding inland game fish ~~[specified in Paragraph (b), when found]~~ in coastal ~~[fishing]~~
26 waters are ~~[waters, shall be]~~ enforced by wildlife ~~protectors-officers,~~ unless otherwise agreed to by the Wildlife
27 Resources Commission.

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29 *History Note: Authority G.S. 113-129; 113-132; 113-134; 113-292;*

30 *Eff. February 1, 1976;*

31 *Amended Eff. July 1, 1991; January 1, 1977.*

32 *Readopted Eff. September 1, 2022.*

33

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0104 / 15A NCAC 03Q .0104

DEADLINE FOR RECEIPT: August 11, 2022

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:

Please delete “, hereinafter set out,”.

Please change “which” to “that” and delete “which are” in the second sentence.

Delete “The regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC .0106.” This is unnecessary.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0104 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

2

3 **15A NCAC 03Q .0104 JOINT FISHING WATERS**

4 Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated by agreement of the Marine
5 Fisheries Commission and the Wildlife Resources Commission pursuant to G.S. 113-132(e) as joint fishing waters.

6 All waters which are tributary to joint fishing waters and which are not otherwise designated by agreement between
7 the Marine Fisheries Commission and the Wildlife Resources Commission are classified as joint fishing waters. The
8 regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106.

9

10 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0104 is readopted with changes as published in 36:14 NCR 1237 as follows:

2

3 **15A NCAC 10C .0104 JOINT FISHING WATERS**

4 ~~[(a)]~~ Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated ~~[defined in G.S. 113-129,~~
5 ~~adopted]~~by agreement of ~~[both]~~ the Marine Fisheries Commission and the Wildlife Resources Commission pursuant
6 to G.S. ~~[113-132(e)]~~113-132(e) as joint fishing waters. All waters which are tributary to joint fishing waters and
7 which ~~[that]~~ are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife
8 Resources Commission are classified as ~~[in rule shall be]~~ joint fishing waters. ~~The regulation and licensing of fishing~~
9 ~~in joint waters shall be as stated in 15A NCAC 10C .0106.~~

10 ~~[(b)] [Rules and laws regarding fishing in joint fishing waters may be enforced by both marine fisheries inspectors~~
11 ~~and wildlife officers.]~~

12

13 *History Note: Authority G.S. 113-132; 113-134; 113-292;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1977.*

16 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0105 / 15A NCAC 03Q .0105

DEADLINE FOR RECEIPT: August 11, 2022

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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:

MFC: change "in so far" on line 6 to "insofar".

On line 10, MFC uses "regulation" and WRC uses "regulations". Pick one.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0105 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

2

3 **15A NCAC 03Q .0105 POSTING DIVIDING LINES**

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

12

13 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0105 is readopted as published in 36:14 NCR 1238 as follows:

2

3 **15A NCAC 10C .0105 POSTING DIVIDING LINES**

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

12

13 *History Note: Authority G.S. 113-132; 113-134;*

14 *Eff. January 1, 1977.*

15 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0106 / 15A NCAC 03Q .0106

DEADLINE FOR RECEIPT: August 11, 2022

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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:

Form & Rule Title: MFC uses "Applicability of Rules" and WRC uses "Applicability of Regulations". Pick one. "Rules" seems correct, but that is up to the agencies.

MFC: A Rule that has "Department of Environment and Natural Resources" may be objected to on ambiguity/clarity grounds simply because it is obvious no one at the "Department" or the "Division" looked at the Rule before readoption. It is not RRC Counsel's job to clean up your rules.

In paragraph (a), state where exceptions can be found and delete "except where otherwise provided" because it is unclear.

WRC: Remove strikethrough on "enforcement" on line 8.

Please add semicolons after Subparagraphs (a)(1) and (2), and "and" after (2).

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0106 is readopted without substantive changes as published in 36:20 NCR 1624 as follows:

2

3 **15A NCAC 03Q .0106 APPLICABILITY OF RULES: JOINT WATERS**

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

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

9 (1) all laws and regulations pertaining to inland game fishes,

10 (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,

11 (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

12

13 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Amended Eff. July 1, 1999;*

16 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0106 is readopted with changes as published in 36:14 NCR 1238 as follows:

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15A NCAC 10C .0106 APPLICABILITY OF REGULATIONS: [RULES:]JOINT [FISHING]WATERS

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

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

- (1) all laws and regulations [rules] pertaining to inland game fishes, [fishes specified in Rule .0103 of this Section;]
- (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
- (3)[(2)] all laws and regulations [rules] pertaining to hook and line fishing except as hereinafter provided. [provided; and]
- [(3)] all laws and rules pertaining to fish, crustacea, and mollusks identified on the protected animal list, as defined in G.S. 113-331.]

History Note: Authority G.S. 113-132; 113-134; 113-271; 113-275; 113-182; 113-292; 113-333;
Eff. January 1, 1977;
Amended Eff. April 1, 1990; April 15, 1979..
Readopted Eff. September 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0107 / 15A NCAC 03Q .0107

DEADLINE FOR RECEIPT: August 11, 2022

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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:

Please delete lines 4, 5, and 6. Also, delete “rules” starting line 7 and add “The following shall supercede...” The deleted text is not a rule and is unnecessary.

Remove the parenthesis in Subitems (1)(a) and (b).

In subitem (1)(g), the “rules of the Marine Fisheries Commission” referenced here are found where? Should a specific reference be added?

Please add an oxford comma after “net stakes” in item (3).

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0107 is readopted without substantive changes as published in 36:20 NCR 1624-1625 as follows:

2
3 **15A NCAC 03Q .0107 SPECIAL REGULATIONS: JOINT WATERS**

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

9 (1) Striped Bass

- 10 (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches
11 long (total length).
- 12 (b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and
13 27 inches (total length) in joint fishing waters of the Central Southern Management Area
14 as designated in 15A NCAC 03R .0201.
- 15 (c) It is unlawful to possess striped bass or striped bass hybrids May through September in the
16 joint fishing waters of the Central Southern Management Area and the Albemarle Sound
17 Management Area.
- 18 (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing
19 waters of the Cape Fear River.
- 20 (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass
21 hybrids, in the aggregate, per person per day, regardless of the number of management
22 areas fished.
- 23 (f) Possession of fish shall be assessed for the creel and size limits of the management area in
24 which the individual is found to be fishing, regardless of the size or creel limits for other
25 management areas visited by that individual in a given day.
- 26 (g) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint waters
27 except as authorized by rules of the Marine Fisheries Commission.

28 (2) Lake Mattamuskeet:

- 29 (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated
30 as joint waters.
- 31 (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals
32 designated as joint waters.

33 (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes or electrical fishing
34 device within 800 feet of the dam at Lock No.1 on the Cape Fear River.

35 (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per
36 person per day taken by hook-and-line.

1 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*
2 *Eff. January 1, 1991;*
3 *Amended Eff. July 1, 1993; November 1, 1991;*
4 *Temporary Amendment Eff. May 1, 2000;*
5 *Amended Eff. July 1, 2008; September 1, 2005; April 1, 2001; August 1, 2000;*
6 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 10C .0107 is readopted with changes as published in 36:14 NCR 1238 as follows:

2
3 **15A NCAC 10C .0107 SPECIAL REGULATIONS: [REGULATIONS FOR] JOINT [FISHING] WATERS**
4 **[The following requirements shall apply in joint fishing waters and]** In order to effectively manage all fisheries
5 resources in joint waters and in order to confer enforcement powers on both **marine fisheries inspectors enforcement**
6 **officers and wildlife enforcement officers** with respect to certain rules, the Marine Fisheries Commission and the
7 **Wildlife Resources Commission** deem it necessary to adopt special rules for joint waters. Such rules supersede any
8 inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise
9 be applicable in joint waters under the provisions of 15A NCAC 10C .0106:

10 (1) Striped Bass

- 11 (a) **It is [it shall be]** unlawful to possess any striped bass or striped bass hybrid that is less than
12 18 inches long (total length).
13 (b) **It is [it shall be]** unlawful to possess striped bass or striped bass hybrids between the lengths
14 of 22 and 27 inches (total length) in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
16 (c) **It is [it shall be]** unlawful to possess striped bass or striped bass hybrids May through
17 September in the joint fishing waters of the Central Southern Management Area and the
18 Albemarle Sound Management Area.
19 (d) **It is [it shall be]** unlawful to possess striped bass or striped bass hybrids taken from the
20 joint fishing waters of the Cape Fear River.
21 (e) **It is [it shall be]** unlawful to possess more than one daily creel limit of striped bass or striped
22 bass hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
24 (f) **Possession [possession]** of fish shall be assessed for the creel and size limits of the
25 management area in which the individual is found to be fishing, regardless of the size or
26 creel limits for other management areas visited by that individual in a given day.
27 (g) **It is [it shall be]** unlawful to engage in net fishing for striped bass or their hybrids in joint
28 waters except as authorized by rules of the Marine Fisheries Commission.

29 (2) Lake Mattamuskeet

- 30 (a) **It is [it shall be]** unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals
31 designated as joint waters.
32 (b) **It is [it shall be]** unlawful to use or attempt to use any trawl net or seines in Lake
33 Mattamuskeet canals designated as joint waters.

34 (3) Cape Fear River. It **is [shall be]** unlawful to use or attempt to use any net, net stakes or electrical
35 fishing device within 800 feet of the dam at Lock No. 1 on the Cape Fear River.

36 **(4) Shad: It is [shall be] unlawful to possess more than 10 American shad or hickory shad, in the**
37 **aggregate, per person per day taken by hook-and-line.**

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History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;
Eff. January 1, 1977;
Amended Eff. July 1, 2008; May 1, 2005; August 1, 2000; July 1, 1993; November 1, 1991; January
1, 1991; August 1, 1985.
Readopted Eff. September 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: **Wildlife Resources Commission**

RULE CITATION: **15A NCAC 10C .0108**

DEADLINE FOR RECEIPT: August 11, 2022

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:

For the incorporation by reference, please use this language, starting on line 7: "...list and classification is incorporated by reference, including subsequent amendments and editions."

In the History Note, Authority section, G.S. 150B-14 has been repealed. Please change or delete.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 10C .0108 is readopted as published in 36:14 NCR 1238 as follows:

2

3 **15A NCAC 10C .0108 SPECIFIC CLASSIFICATION OF WATERS**

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

9

10 *History Note: Authority G.S. 113-129; 113-132; 113-134; 150B-14;*

11 *Eff. January 1, 1977;*

12 *Amended Eff. July 1, 1993; January 1, 1981; January 1, 1978.*

13 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: **Wildlife Resources Commission**

RULE CITATION: **15A NCAC 10C .0109**

DEADLINE FOR RECEIPT: August 11, 2022

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:

Please delete the comma after "February" on line 4.

Please change "will" to "shall" on line 6. Also, please insert "shall" between "Commission" and "have jurisdiction" on line 9.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 10C .0109 is readopted as published in 36:14 NCR 1238 as follows:

2

3 **15A NCAC 10C .0109 PROTECTION OF SEA TURTLES**

4 Pursuant to a cooperative agreement entered into on the fifth day of February, 1979, by the Department of
5 ~~Environment, Health, and Natural Resources~~, Environmental Quality, the Marine Fisheries Commission, and the
6 Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any
7 species of sea turtles, and their eggs and nests, consistent with designation of such species as endangered or threatened
8 by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine
9 Fisheries Commission and the Wildlife Resources Commission have jurisdiction to enforce any state laws and
10 regulations, including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles
11 and their eggs and nests.

12

13 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-181; 113-182; 113-224; 113-305;*

14

Eff. April 29, 1979;

15

Amended Eff. April 1, 1990.

16

Readopted Eff. September 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0110 / 15A NCAC 03Q .0108

DEADLINE FOR RECEIPT: August 11, 2022

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:

MFC: The semicolon on line 9 seems to be an error. Should it be a colon?

Please add an oxford comma after "joint" on line 13 (MFC) or line 22 (WRC).

The MFC Rule uses "Albemarle-Roanoke" on line 14; the WRC Rule uses "Albemarle River Roanoke Sound" on line 24. Choose one or the other.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0108 is readopted without substantive changes as published in 36:20 NCR 1625 as follows:

2

3 **15A NCAC 03Q .0108 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
4 **JOINT WATERS**

5 (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
6 03R .0201.

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

17

18 *History Note: Authority G.S. 113-132; 113-134; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. October 1, 2004; September 1, 1991;*

21 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0110 is readopted with changes as published in 36:14 NCR 1238-1239 as follows:

2
3 **15A NCAC 10C .0110 MANAGEMENT RESPONSIBILITY FOR ~~OF~~ ESTUARINE STRIPED BASS IN**
4 **JOINT WATERS ~~THE ALBEMARLE SOUND AND ROANOKE RIVER~~**
5 **~~MANAGEMENT AREAS~~**

6 (a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
7 03R .0201.

8 (b) ~~(a)~~ In order to ~~to~~ effectively manage the recreational hook and line harvest in joint waters of the Albemarle
9 Sound-Roanoke River stock of ~~estuarine~~ striped bass, the Marine Fisheries Commission and the Wildlife Resources
10 Commission deem it necessary to establish two management areas: the Albemarle Sound Management Area and the
11 Roanoke River Management Area as designated in 15A NCAC 03R .0201.

12 (1) ~~the Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and~~
13 ~~inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck,~~
14 ~~Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet,~~
15 ~~north of a line beginning at a point 35° 48.5015' N 75° 44.1228' W on Roanoke Marshes Point,~~
16 ~~running southeasterly to a point 35° 44 .1710' N 75° 31 .0520' W on the north point of Eagle Nest~~
17 ~~Bay.~~

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

20 ~~(b)~~ The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in
21 the joint and inland ~~and joint~~ fishing waters of the Roanoke River Management Area. The Marine Fisheries
22 Commission shall have principal management responsibility for the stock in the coastal, joint ~~joint~~ and inland waters
23 of the Albemarle Sound Management Area.

24 ~~(c)~~ The annual quota for recreational harvest of the Albemarle Sound Roanoke River striped bass stock shall be
25 divided equally between the two management areas. Each Commission shall implement management actions for
26 recreational harvest within their respective management areas that shall be consistent with the North Carolina
27 Estuarine Striped Bass Fishery Management Plan. ~~areas.~~

28 ~~(d)~~ To preserve jurisdictional authority of each Commission, the following means are established through which
29 management measures may be implemented in the following management areas:

30 (1) ~~in the Roanoke River Management Area, the exclusive authority to open and close seasons and~~
31 ~~areas, and establish size and creel limits, whether inland or joint fishing waters, shall be vested in~~
32 ~~the Wildlife Resources Commission.~~

33 (2) ~~in the Albemarle Sound Management Area, the exclusive authority to open and close seasons and~~
34 ~~areas, and establish size and creel limits, whether coastal or joint fishing waters, shall be vested in~~
35 ~~the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the~~
36 ~~North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be taken.]~~

1 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;*
2 *Eff. January 1, 1991;*
3 *Amended Eff. June 1, 2005.*
4 *Readopted Eff. September 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission / Marine Fisheries Commission

RULE CITATION: 15A NCAC 10C .0111 / 15A NCAC 03Q .0109

DEADLINE FOR RECEIPT: August 11, 2022

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:

In the first paragraph, MFC uses “striped bass management actions” and WRC uses “striped bass management plans”. As the title of the Rule uses “plans”, MFC should change “actions” to “plans”.

MFC: In item (1), line 10, delete the comma after “areas” and insert commas after “limits” and “joint fishing waters”

In item (1), a “-” is needed between “jointly” and “issued”.

In item (2), line 15, add a comma after “joint fishing waters”.

WRC: In item (2), line 19, add a comma after “Roanoke River Management Area”.

Also, in item (2), it states that “The season shall close by proclamation if the quota is about to be exceeded.” How is this determined? By what criteria? Should this be in a rule? “is about to be exceeded” is vague.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: August 3, 2022

1 15A NCAC 03Q .0109 is readopted without substantive changes as published in 36:20 NCR 1625 as follows:

2

3 **15A NCAC 03Q .0109 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:**
4 **RECREATIONAL FISHING**

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

9 (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and
10 areas, and establish size and creel limits whether inland or joint fishing waters shall be vested in the
11 Wildlife Resources Commission. An instrument closing any management area in joint waters shall
12 operate as and shall be a jointly issued instrument opening or closing seasons or areas to harvest in
13 the Roanoke River management area.

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

21

22 *History Note: Authority G.S. 113-132; 113-134; 113-182; 143B-289.52;*
23 *Eff. January 1, 1991;*
24 *Amended Eff. October 1, 2004; September 1, 1991;*
25 *Readopted Eff. September 1, 2022.*

1 15A NCAC 10C .0111 is readopted as published in 36:14 NCR 1239 as follows:

2

3 **15A NCAC 10C .0111 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:**
4 **RECREATIONAL FISHING**

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

9 (1) In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas
10 and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the
11 Wildlife Resources Commission. An instrument closing any management area in joint waters shall
12 operate as a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke
13 River Management Area.

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

22

23 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;*

24 *Eff. January 1, 1991;*

25 *Amended Eff. June 1, 2005.*

26 *Readopted Eff. September 1, 2022.*