

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.  
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

**Notice** is hereby given in accordance with G.S. 150B-21.1(a3) that the Marine Fisheries Commission intends to adopt the rules cited as 15A NCAC 03I .0123 and .0124.

**Codifier of Rules** received for publication the following notice and proposed temporary rule(s) on: April 19, 2024.

### Public Hearing:

**Date:** May 1, 2024

**Time:** 6:00 p.m.

### Location:

**VIRTUAL HEARING VIA ZOOM: REGISTRATION REQUIRED:**

N.C. Marine Fisheries Commission and N.C. Wildlife Resources Commission Mandatory Harvest Reporting Temporary Rules Hearing  
[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fncwildlife-org.zoomgov.com%2Fwebinar%2Fregister%2FWN\\_3nf\\_6aV8TseZYB\\_5Q215vQ&data=05%7C02%7Ccatherine.blum%40deq.nc.gov%7C719c8e92870b4cc6949508dc5fb8df29%7C7a7681dcb9d0449a85c3ecc26cd7ed19%7C0%7C0%7C638490494823643983%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=HLS4Mrhl37SHDwtDzsEShhlMU7EZU5TgHbVgQuGeJkQ%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fncwildlife-org.zoomgov.com%2Fwebinar%2Fregister%2FWN_3nf_6aV8TseZYB_5Q215vQ&data=05%7C02%7Ccatherine.blum%40deq.nc.gov%7C719c8e92870b4cc6949508dc5fb8df29%7C7a7681dcb9d0449a85c3ecc26cd7ed19%7C0%7C0%7C638490494823643983%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=HLS4Mrhl37SHDwtDzsEShhlMU7EZU5TgHbVgQuGeJkQ%3D&reserved=0)

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Webinar ID: 160 805 6277

**Reason for Proposed Temporary Action:** The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: S.L. 2023-137, s. 6, effective date: December 1, 2024. Session Law 2023-137, Section 6, requires that any person who recreationally harvests red drum, flounder, spotted seatrout (speckled trout), striped bass and weakfish (gray trout) from coastal fishing waters, joint fishing waters, and inland fishing waters adjacent to coastal or joint fishing waters must report that harvest to the N.C. Division of Marine Fisheries (DMF). Additionally, it requires anyone holding a commercial fishing license who is engaged in a commercial fishing operation to report all fish harvested to DMF, regardless of sale. The legislation directs the Marine Fisheries Commission and the Wildlife Resources Commission to adopt temporary rules to implement the requirements and to adopt permanent rules to replace the temporary rules; temporary rules shall remain in effect until permanent rules that replace the temporary rules become effective. Starting December 1, 2024, anglers will be required to report their harvest. The legislation enacted new requirements that will require a fiscal note pursuant to G.S. 150B-21.4(b)(1), which cannot be completed by the time the requirements become effective on December 1, 2024.

**Comment Procedures:** Comments from the public shall be directed to: Catherine Blum, P.O. Box 769, Morehead City, NC 28557 (Written comments may also be submitted via an online form available at <https://deq.nc.gov/mfc-proposed-rules>). The comment period begins April 22, 2024 and ends May 20, 2024.

## CHAPTER 03 - MARINE FISHERIES

### SUBCHAPTER 03I – GENERAL RULES

#### SECTION .0100 – GENERAL RULES

#### 15A NCAC 03I .0123 COMMERCIAL HARVEST REPORTING REQUIREMENTS

(a) Pursuant to G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish by any means, followed by a reduction of such fish to possession. Harvest shall be deemed complete:

- (1) if a vessel is used, when fish reach the shore or a structure connected to the shore; or
- (2) if a vessel is not used, at the moment a person is no longer engaged in fishing.

(b) Any person holding a commercial fishing license engaged in a commercial fishing operation who completes the harvest of any fish in coastal or joint fishing waters shall report that harvest within 48 hours of harvest being complete, as follows:

- (1) for fish sold, harvest shall be reported in accordance with the reporting requirements in G.S. 113-168.2 and recordkeeping requirements in Rule .0114 of this Section; and
- (2) for fish harvested but not sold, harvest shall be reported in accordance with the reporting requirements in G.S. 113-168.2 and in the same manner as provided in Rule .0114 of this Section for a transaction.

*Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52.*

#### 15A NCAC 03I .0124 NON-COMMERCIAL HARVEST REPORTING REQUIREMENTS

(a) Pursuant to G.S. 113-170.3 and for the purpose of this Rule, "harvest" shall mean the catching or taking of a fish by any means, followed by a reduction of such fish to possession. Harvest shall be deemed complete:

(1) if a vessel is used, when fish reach the shore or a structure connected to the shore; or

(2) if a vessel is not used, at the moment a person is no longer engaged in fishing.

(b) Any person, other than a person holding a commercial fishing license engaged in a commercial fishing operation, who completes the harvest of a flounder, red drum, spotted seatrout, striped bass, or weakfish in coastal or joint fishing waters shall report that harvest. Harvest shall be reported by either electronic reporting means required by the Division of Marine Fisheries online at <https://www.ncmarinefisheries.net>, or a Division-issued report card. Electronic reports shall be submitted at the time harvest is complete. Division-issued report cards shall be completed at the time harvest is complete and submitted electronically to the Division by midnight the day after harvest is complete, except when the day after harvest is complete is a Sunday or a federal holiday, electronic submission of a report card is due no later than midnight on the first day that is not a Sunday or a federal holiday. Harvest data to be reported shall include:

(1) person's valid N.C. fishing license number, or if a person does not have a valid N.C. fishing license number, person's first name, last name, and zip code of residence;

(2) date of harvest;

(3) species identification;

(4) number of each species;

(5) species length, if applicable;

(6) area of harvest; and

(7) type of gear used.

Authority G.S. 113-134; 113-170.3; 113-181; 113-182; 143B-289.52.