



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

|   |  |
|---|--|
| 1. Rule-Making Agency: N.C. Wildlife Resources Commission   |  |
| 2. Rule citation & name: 15A NCAC 10C .0314   |  |
| 3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal  |  |
| 4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:  |  |
| 5. Provide dates for the following actions as applicable:<br>a. Proposed Temporary Rule submitted to OAH: 10/28/21<br>b. Proposed Temporary Rule published on the OAH website: 9/1/21<br>c. Public Hearing date: 09/15/21<br>d. Comment Period: 9/1/21 – 9/24/21<br>e. Notice pursuant to G.S. 150B-21.1(a3)(2): 9/1/21<br>f. Adoption by agency on: 10/28/21<br>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 12/8/2021<br>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:   |  |
| 6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.<br><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.<br><input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress.<br>Cite:<br>Effective date:<br><input type="checkbox"/> A recent change in federal or state budgetary policy.<br>Effective date of change:<br><input type="checkbox"/> A recent federal regulation.<br>Cite:<br>Effective date:<br><input type="checkbox"/> A recent court order.<br>Cite order:<br><input type="checkbox"/> State Medical Facilities Plan.<br><input checked="" type="checkbox"/> Other: 150B-21.1(a)(7)c<br><br><b>Explain:</b> The estimated pounds of Striped Bass harvested in the Roanoke River Management Area in 2021 exceeded the Roanoke River Total Allowable Landings (TAL), despite an 80% reduction in the harvest season length. Reducing the daily creel limit for Striped Bass from two fish to one fish in the Roanoke River Management Area in combination with a shortened harvest season will decrease the likelihood of exceeding the TAL in 2022. |  |

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

Permanent rulemaking is contrary to public interest, as changes need to be in place before the striped bass season begins so the agency has adequate time to notify anglers.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

**9. Rule-making Coordinator: Carrie Ruhlman**

**Phone:** 919-707-0011

**E-Mail:** carrie.ruhlman@ncwildlife.org

**Agency contact, if any: Ashley Pekrul**

**Phone:** 919-707-0014

**E-Mail:** Ashley.pekrul@ncwillife.org

**10. Signature of Agency Head\*:**



\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

**Typed Name:** Monty R. Crump

**Title:** Chairman

**E-Mail:** Citymanager@gomccringham.com

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

**TEMPORARY RULES**  
**REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0314

**DEADLINE FOR RECEIPT: Wednesday, November 10, 2021**

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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Temporary Rulemaking Findings of Need form:*

- *In Box 2, please include the name of the Rule.*
- *In Box 5(d), you published on the OAH website publication that the comment period began August 30, 2021. Please confirm the beginning date of the comment period.*
- *In Box 5(g), why are you seeking a delayed effective date? G.S. 150B-21.1(d) would create an effective date of November 30, 2021. Why do you want to delay it beyond that? And what authority are you relying upon for the delayed date?*

*In the Rule, Paragraph (i), line 34, do you still need "in the aggregate" here since you are reducing the total to one fish?*

*In the History Note, Page 2, line 14, why are you setting a delayed effective date?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: October 29, 2021

1 15A NCAC 10C .0314 is amended under temporary procedures as follows:

2  
3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in  
5 Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. The minimum size limit for these fish is 20 inches, except in  
6 waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. There is no closed season, except  
7 for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.

8 (b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA  
9 and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the  
10 minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel  
11 limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

12 (c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20  
13 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September  
14 30.

15 (d) In Lake Norman, Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake  
16 Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.

17 (e) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but  
18 only two may be greater than 22 inches.

19 (f) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the  
20 South Carolina state line, the daily creel limit for Striped Bass and its hybrids is three fish in the aggregate, and the  
21 minimum size limit is 18 inches.

22 (g) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to  
23 the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of  
24 Interstate 95 not specified in Paragraphs (f), (h), (i), and (j) of this Rule, the daily creel limit for Striped Bass and its  
25 hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and  
26 possessing Striped Bass is closed from May 1 through September 30.

27 (h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the  
28 ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing Striped Bass is  
29 closed year-round.

30 (i) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A  
31 NCAC 03R .0201 and identified in 15A NCAC 10C .0110, which includes the Roanoke, Cashie, Middle, and Eastmost  
32 rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through  
33 April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam.  
34 During the open season, the daily creel limit for Striped Bass and its hybrids is ~~two~~ one fish in the aggregate, and the  
35 minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily  
36 creel limit. ~~Only one fish larger than 27 inches may be possessed in the daily creel limit.~~

1 (j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck  
2 Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and  
3 their tributaries), the Striped Bass fishing season, size limits, and creel limits are the same as those established by rules  
4 or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

5 (k) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-and-  
6 line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate  
7 the provisions of any proclamation issued under this authority.

8  
9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

10 *Eff. November 1, 2013;*

11 *Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

12 *Readopted Eff. August 1, 2019;*

13 *Amended Eff. August 1, 2021; August 1, 2020.*

14 *Temporary Amendment Eff. December 8, 2021.*