



## NORTH CAROLINA MARINE FISHERIES COMMISSION DEPARTMENT OF ENVIRONMENTAL QUALITY

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November 22, 2021

To the Rules Review Commission,

The Marine Fisheries Commission ("MFC") recently readopted nine joint rules codified in 15A NCAC 03Q .0100 that are now being presented to the Rules Review Commission. The MFC shares rulemaking authority for these rules with the Wildlife Resources Commission ("Wildlife") and recognizes that until Wildlife has taken corresponding action to approve them, the Rules Review Commission cannot approve the joint rules.

The MFC's deadline to readopt these rules is June 30, 2022. The MFC began rulemaking for its 9 joint rules in August 2020. These rules were originally published in the North Carolina Register for readoption without any changes. The MFC adopted changes to address the written public comments submitted by Wildlife and to conform the rules to the authorizing statutes. The MFC placed final readoption of the rules on the agenda for its August 2021 quarterly business meeting. At Wildlife's request, the MFC delayed the vote on final readoption to allow additional input from Wildlife. This resulted in additional edits to the joint rules. The MFC gave final approval to the revised joint rules at a special meeting in September 2021.

Although the MFC has collaborated with Wildlife on the joint rules, it appears that there are still areas of disagreement. In the event that the two commissions are unable to resolve this disagreement, N.C. Gen. Stat. § 113-132(d) provides that "the Governor is empowered to resolve the differences." While the Marine Fisheries Commission has sought to resolve the areas of disagreement with Wildlife, it remains mindful of the approaching deadline for readoption of the joint rules. The MFC has acted to fulfill its statutory mandate to readopt its rules in accordance with the schedule approved by the Rules Review Commission. The MFC recognizes that as jointly adopted rules, no action will be taken until the WRC votes on approval of the joint rules or the issue is resolved by the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Robert Bizzell".

W. Robert Bizzell, Chairman  
N.C. Marine Fisheries Commission