

## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Thursday, April 24, 2025 11:00 AM  
**To:** Liebman, Brian R  
**Cc:** Burgos, Alexander N; Julie B. Eddins  
**Subject:** 15A NCAC 03M .0523

Please be advised that the above captioned rule was approved by the RRC today; however it has received sufficient letters to trigger legislative review pursuant to G.S. 150B-21.3.

If you have any questions please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: 15A NCAC 03M .0523

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Monday, April 21, 2025 12:02 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Re: 15A NCAC 03M .0523

Thanks for letting me know, Bill.

See you on Thursday.

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8595

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Monday, April 21, 2025 8:47 AM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 15A NCAC 03M .0523

Good morning Jennifer,

Please be advised that for the above captioned rule, the RRC has received sufficient letters requesting legislative review pursuant to G.S. 150B-21.3.

As always if you have any questions please feel free to contact me.

Bill

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Monday, April 21, 2025 8:47 AM  
**To:** Everett, Jennifer  
**Cc:** Burgos, Alexander N  
**Subject:** 15A NCAC 03M .0523

Good morning Jennifer,

Please be advised that for the above captioned rule, the RRC has received sufficient letters requesting legislative review pursuant to G.S. 150B-21.3.

As always if you have any questions please feel free to contact me.

Bill  
**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

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**Subject:** FW: Marine Fisheries RFC 03O .0600

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Monday, April 14, 2025 8:36 AM

**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@deq.nc.gov>

**Subject:** RE: Marine Fisheries RFC 03O .0600

Happy Monday.

Thank you for your email. I would not oppose an extension.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: Marine Fisheries RFC 03O .0600

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>

**Sent:** Friday, April 11, 2025 5:01 PM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@deq.nc.gov>

**Subject:** Re: Marine Fisheries RFC 03O .0600

Good afternoon Bill,

Pursuant to 26 NCAC 05 .0115, EXTENSIONS OF THE PERIOD FOR REVIEW, the agency is requesting an extension for the period of review for the Marine Fisheries Commission's rules 15A NCAC 03O .0601-.0606. to respond to Requests for Technical Changes and make rule revisions. This will allow staff additional time to work on these remaining rules. The rules have connectivity to one another so it is necessary to keep them together throughout the review process. We would appreciate the recommendation for the extension request.

Thank you!

Have a nice weekend!

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8595

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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## Burgos, Alexander N

---

**Subject:** FW: 15A NCAC 03O .0605  
**Attachments:** 15A NCAC 03O .0605\_Rev.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Friday, April 11, 2025 3:27 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@deq.nc.gov>  
**Subject:** Fw: 15A NCAC 03O .0605

Thank you for this too! Be in touch about the others as fast as we can.

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

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Raleigh, NC 27699-1601

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Friday, April 11, 2025 2:51 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: 15A NCAC 03O .0605

Good afternoon,

It is my intention to recommend approval of the attached rule at the April 2025 RRC meeting.

As always, if you have any questions or concerns please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
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## Burgos, Alexander N

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**Subject:** FW: Marine Fisheries RFC 03O .0600  
**Attachments:** 15A NCAC 03O .0601.docx; 15A NCAC 03O .0604.docx; 15A NCAC 03O .0606.docx

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Friday, April 11, 2025 3:25 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@deq.nc.gov>  
**Subject:** Fw: Marine Fisheries RFC 03O .0600

Hi Bill,

Great, thanks for letting us know. We are working on the rest.

Jennifer

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Friday, April 11, 2025 3:05 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Subject:** FW: Marine Fisheries RFC 03O .0600

Good afternoon,

It is my intention to recommend approval of the attached revised rules at the April 2024 RRC meeting.

As always if you have any questions please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
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## Burgos, Alexander N

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**Subject:** FW: 15A NCAC 03O .0605  
**Attachments:** 15A NCAC 03O .0605\_Rev.docx

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**Sent:** Friday, April 11, 2025 2:51 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: 15A NCAC 03O .0605

Good afternoon,

It is my intention to recommend approval of the attached rule at the April 2025 RRC meeting.

As always, if you have any questions or concerns please feel free to contact me.

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**Rules Review Commission Counsel / Legislative Liaison**  
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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Friday, April 11, 2025 2:42 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Blum, Catherine <[catherine.blum@deq.nc.gov](mailto:catherine.blum@deq.nc.gov)>  
**Subject:** 15A NCAC 03O .0605

Hi Bill,

Attached is the rewritten rule -15A NCAC 03O .0605. We are currently working on the last item you sent this afternoon. Be in touch.

thanks!

Jennifer Everett

DEQ Rulemaking Coordinator



N.C. Depart. Of Environmental Quality

Office of General Counsel

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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~~ shall 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~~ Upon request by a WVC member state for documentation of a violation and subsequent license  
22 ~~suspension is needed by a WVC member state~~ for license suspension hearings or other purposes, the Division ~~may~~  
23 shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports,  
24 suspension orders, and the disposition of the matter.

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

## Burgos, Alexander N

---

**Subject:** FW: 15A NCAC 03O .0605  
**Attachments:** 15A NCAC 03O .0605\_Rev.docx

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**Sent:** Friday, April 11, 2025 2:42 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@deq.nc.gov>  
**Subject:** 15A NCAC 03O .0605

Hi Bill,

Attached is the rewritten rule -15A NCAC 03O .0605. We are currently working on the last item you sent this afternoon. Be in touch.

thanks!

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

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<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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- 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
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22 ~~suspension is needed by a WVC member state~~ for license suspension hearings or other purposes, the Division ~~may~~  
23 shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports,  
24 suspension orders, and the disposition of the matter.

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

## **Burgos, Alexander N**

---

**Subject:** FW: Marine Fisheries RFC 03O .0603

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Friday, April 11, 2025 2:25 PM

**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>

**Cc:** Blum, Catherine <catherine.blum@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: Marine Fisheries RFC 03O .0603

Thank you for your response to the above captioned rule.

In the above captioned rule, lines 7-10: Explain why this paragraph is necessary. What does this paragraph provide that is not in other established law? Can North Carolina residents not be released on personal recognizance?

Or is this paragraph informational in nature?

Thank you in advance for your prompt response.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: 15A NCAC 03O .0605

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**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>

**Sent:** Friday, April 11, 2025 12:22 PM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Blum, Catherine <catherine.blum@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** Re: 15A NCAC 03O .0605

Thanks Bill, we are on it!

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

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## **Burgos, Alexander N**

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**Subject:** FW: 15A NCAC 03O .0605

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Friday, April 11, 2025 12:14 PM

**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Blum, Catherine <catherine.blum@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** 15A NCAC 03O .0605

Good morning,

In the above captioned rule, on line 22, change “may” to “shall” or state the criteria which will be used in exercising the discretion.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: Marine Fisheries RFC 03O .0600  
**Attachments:** 04.2025 -MFC RFC\_03O .0600\_MFC Responses.docx; 15A NCAC 03O .0601.docx; 15A NCAC 03O .0602.docx; 15A NCAC 03O .0603.docx; 15A NCAC 03O .0604.docx; 15A NCAC 03O .0605.docx; 15A NCAC 03O .0606.docx

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Wednesday, April 9, 2025 2:58 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Blum, Catherine <catherine.blum@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Marine Fisheries RFC 03O .0600

Hi Bill,

Attached are the rewritten rules and responses for Part 2 of your technical change requests.

Thank you.

Jennifer Everett  
DEQ Rulemaking Coordinator  
Department of Environmental Quality

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## Burgos, Alexander N

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**Subject:** FW: Marine Fisheries RFC 03O .0600  
**Attachments:** 04.2025 -MFC RFC\_03O .0600\_MFC Responses.docx; 15A NCAC 03O .0601.docx; 15A NCAC 03O .0602.docx; 15A NCAC 03O .0603.docx; 15A NCAC 03O .0604.docx; 15A NCAC 03O .0605.docx; 15A NCAC 03O .0606.docx

---

**From:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Sent:** Wednesday, April 9, 2025 2:58 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Blum, Catherine <catherine.blum@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Marine Fisheries RFC 03O .0600

Hi Bill,

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Thank you.

Jennifer Everett  
DEQ Rulemaking Coordinator  
Department of Environmental Quality

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---

**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: "~~a~~Association"
  - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
  - Wrong: "day, ~~;~~ and"
  - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 4, 2025

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.*

The agency strived to be consistent with 15A NCAC 10A .1400 in its initial construction of the proposed rules in 15A NCAC 03O .0600. In response to the request for change, definitions are proposed to be added to 15A NCAC 03O .0601 as noted in the agency response for that rule.

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

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**

***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 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.*

*The text has been simplified and the requested definition has been proposed.*

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

*A definition has been proposed, consistent with other Marine Fisheries Commission rules.*

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

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**

***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 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.*

[The rule has been clarified, consistent with 15A NCAC 10A .1402, to address these two requests.](#)

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

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**

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

Consistent with the definitions added to 15A NCAC 03O .0601, the word "offenses" has been replaced with the word "violations" and the remaining text has been simplified.

*Line 5: Define "inspector."*

G.S. 113-128(5) defines "inspector".

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

The use of "may" in N.C. General Statutes pertaining to marine and estuarine resources provides authority for inspectors to exercise discretion to arrest, swear out warrants, issue citations, and other similar activities (see statute references below). The use of "may" in the proposed rule is intentional and is consistent with North Carolina law. A real-world example could consist of a recreational fisherman from South Carolina who comes to North Carolina and takes clams from a polluted area. Upon interviewing the person, the inspector learns the person did not know the area was closed and did not intend to take clams from a polluted area. An inspector would likely issue a citation to the person and release them on their own recognizance. Conversely, a commercial fisherman from South Carolina comes to North Carolina and takes a bag of clams from a polluted area to sell them, in which case the inspector would need the discretion to not release that person to be able to stop them from continuing with the sale of those clams that could cause harm to human health if consumed.

Criteria are impractical to articulate here because an inspector's decision is based on the totality of the circumstances. Consistent with G.S. 15A-401(b), these circumstances can include an inspector having probable cause to believe the violator would not appear in court or that the violation would be repeated if the violator is not arrested.

G.S. 113-136: "(d) Inspectors and protectors are additionally authorized to arrest without warrant under the terms of G.S. 15A-401(b) for felonies, for breaches of the peace, for assaults upon them or in their presence, and for other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 4, 2025

public peace and order which would tend to subvert the authority of the State if ignored. In particular, they are authorized, subject to the direction of the administrative superiors, to arrest for violations of G.S. 14-223, 14-225, 14-269, and 14-277."

G.S. 113-136: "(e) Inspectors and protectors may serve arrest warrants, search warrants, orders for arrest, criminal summonses, subpoenas, and all other process connected with any cases within their subject-matter jurisdiction. In the exercise of their law enforcement powers, inspectors are subject to provisions relating to police officers in general set out in Chapter 15, Chapter 15A, and elsewhere."

G.S. 113-137: "(b) Every inspector or protector who issues a citation instead of arresting a person, in cases in which the inspector or protector is authorized to arrest, may seize all lawfully discovered evidence, fruits, and instrumentalities of any crime as to which he has arrest jurisdiction and probable cause."

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

The text has been clarified.

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

The text has been clarified.

*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.*

The text has been clarified, consistent with 15A NCAC 10A .1403(c).

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

The text has been clarified consistent with 15A NCAC 10A .01403(d).

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 .0604

**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:

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

Yes; the text has been updated.

*Line 9: From whom?*

The text has been clarified.

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

The subparagraphs have been reordered as suggested.

*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."*

The text has been updated consistent with the recommendation; however, the notification received from another state is a notice of an unresolved citation, not the notice of suspension. This has been clarified in the proposed amendments.

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

The text has been clarified.

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

The text has been clarified by changing "ratified" to "received", consistent with 15A NCAC 10A .1404(c).

*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*

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 4, 2025



*issuing state. Upon receipt, the Division shall rescind any suspension and return any licenses or permits relevant to the Notice of Suspension.”*

The text has been updated as suggested.

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

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

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0605

**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:

*Line 4: Define "wildlife violations."*

G.S. 113-300.6, Article II, item (18) defines "wildlife violations".

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

The text has been changed as suggested.

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

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

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0606

**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:

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

The term "revocation" has been removed, as the definition of "suspension" in G.S. 113-300.6, Article II, item (13) is inclusive of "revocation".

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 with changes 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)~~. Compact.

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~~, Section:

15 (1) "member state" shall mean "party state" as defined in G.S. 113-300.6.

16 (2) "violation" shall mean violation of any provision of Subchapter 113 of the North Carolina General  
17 Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine  
18 Fisheries Commission pursuant to Subchapter 113.

19 (2) "WVC" shall mean Wildlife Violator Compact.

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

1 15A NCAC 03O .0602 is adopted with changes 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 Manual,~~  
6 which is incorporated by reference including subsequent amendments and editions, and is available editions and can  
7 be found at <http://www.ncwildlife.org> or <http://www.deq.nc.gov/wildlifeviolatorcompact>, at no ~~cost.~~ cost, and  
8 together with G.S. 113-300.6, hereby establish the administrative and procedural guidelines for participation in the  
9 WVC.

10

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

12 *Eff. May 1, 2025.*

1 15A NCAC 03O .0603 is adopted with changes 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-violations~~ charged by an inspector ~~as set forth in laws or rules administered by the Division of Marine~~  
6 ~~Fisheries 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~~ results in a written citation requiring a violator to resolve the violation directly with the court,  
10 either in person, by mail, or through an attorney.

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

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

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

1 15A NCAC 03O .0604 is adopted with changes 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~~ fail 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~~ citation from a member state, a Notice of Suspension  
10 shall be prepared and sent to the wildlife violator as follows:

11 ~~(1)~~ (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)~~ (1) 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)~~ (2) 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~~ identify the  
19 state from which the notice of an unresolved citation was issued and describe any details of the  
20 violation and procedures to resolve the suspension provided by the issuing state to the Division;  
21 and

22 ~~(4)~~ (3) the notice shall provide the procedure for appealing to the issuing state the ~~suspension~~ suspension;  
23 and

24 (4) the suspension shall have a delayed effective date of at least 14 business days from the date of the  
25 mail used to send the notice of suspension to the wildlife violator, to allow the wildlife violator to  
26 contact the court in the issuing state and resolve the citation.

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

29 (d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of  
30 the resident to ~~notify the Division and present documentation of compliance by submitting~~ submit a copy of either the  
31 court judgment resolving the matter or a ~~Notice of Compliance~~ notice of compliance from the issuing state. Upon  
32 ~~receipt of the required documentation, receipt,~~ the Division shall ~~issue an acknowledgement of compliance to the~~  
33 ~~resident. If the acknowledgement is issued before the effective date of the suspension, the suspension shall be~~  
34 ~~rescinded. If the acknowledgement of compliance is issued after the effective date of the suspension, the Division shall~~  
35 rescind any suspension and return any licenses or permits. permits relevant to the Notice of Suspension.

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

1

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

3 *Eff. May 1, 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~~ shall 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.*

1 15A NCAC 03O .0606 is adopted with changes 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~~ suspension.

7

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

9 *Eff. May 1, 2025.*

## Burgos, Alexander N

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**Subject:** FW: MFC RFC Part 1

|

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Tuesday, April 8, 2025 4:55 PM  
**To:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Blum, Catherine <[catherine.blum@deq.nc.gov](mailto:catherine.blum@deq.nc.gov)>  
**Subject:** RE: MFC RFC Part 1

Received. Thank you and have a pleasant evening.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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**From:** Everett, Jennifer <[jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)>  
**Sent:** Tuesday, April 8, 2025 4:49 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Blum, Catherine <[catherine.blum@deq.nc.gov](mailto:catherine.blum@deq.nc.gov)>  
**Subject:** Fw: MFC RFC Part 1

Hi Bill,

Attached are agency responses and the rewritten rules for Part One of your technical change requests from the Marine Fisheries Commission.

Thanks.

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8595

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

## Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### Note the following general instructions:

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: "~~a~~Association"
  - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
  - Wrong: "day~~,~~ and"
  - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee  
Commission Counsel

Date submitted to agency: March 25, 2025

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

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0301

**DEADLINE FOR RECEIPT: April 8, 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:

*Page 2, Line 4: Shouldn't the sentence read, "It shall be unlawful to use pots with mesh lengths smaller than one-half inch to take eels"?*

*Yes. The text has been changed as suggested.*

*Page 2, Line 26: This sentence is ambiguous.*

*The text has been clarified consistent with G.S. 113-182.*

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: March 25, 2025

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

AGENCY: N.C. Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0523

**DEADLINE FOR RECEIPT: April 8, 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:

*Page 1, Line 5: "average of North Carolina recreational and commercial landings" as determined by whom? In other words, who keeps the records upon which the average is based?*

*The text has been changed to clarify that the Division of Marine Fisheries keeps these records and computes this average.*

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: March 25, 2025

1 15A NCAC 03J .0301 is amended with changes as published in 39:07 NCR 382-383 as follows:

2  
3 **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**

4  
5 **15A NCAC 03J .0301 POTS**

6 (a) It shall be unlawful to use pots except during time periods and in areas specified herein:

7 (1) in Internal Waters from December 1 through May 31, except that:

8 (A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed  
9 from Internal Waters from January 1 through January 31. Fish pots upstream of the U.S.  
10 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke,  
11 Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from this  
12 removal requirement.

13 (B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed  
14 from Internal Waters from March 1 through March 15.

15 (2) in Internal Waters from June 1 through November 30 in the Northern Region designated in 15A  
16 NCAC 03R .0118(1):

17 (A) in areas described in 15A NCAC 03R .0107(a).

18 (B) to allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director  
19 may, by proclamation, specify time periods for and designate the areas described in 15A  
20 NCAC 03R .0107(b) or any part thereof, for the use of pots.

21 (3) in Internal Waters from May 1 through November 30 in the Southern Region designated in 15A  
22 NCAC 03R .0118(2), the Fisheries Director may, by proclamation, specify time periods and areas  
23 for the use of pots.

24 (4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by  
25 proclamation, specify time periods and areas for the use of pots.

26 (b) It shall be unlawful to use pots:

27 (1) in any navigation channel marked by State or Federal agencies; or

28 (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

29 (c) It shall be unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating  
30 buoy of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any  
31 shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than  
32 five inches in diameter and no less than five inches in length. ~~The gear owner's last name and initials~~ One of the  
33 following shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the ~~buoy.~~

34 ~~If a vessel is used, the identification shall also include one of the following:~~ buoy:

35 (1) gear owner's current motor boat registration number; ~~or~~

36 (2) gear owner's U.S. vessel documentation ~~name~~ name; or

37 (3) gear owner's last name and initials.



1 (d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

2 (e) It shall be unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-  
3 eighths-inch bar.

4 (f) It shall be unlawful to use pots ~~to take eels~~ with mesh lengths smaller than one-half inch by one-half ~~inch~~ inch to  
5 take eels.

6 (g) Except for unbaited pots or pots baited with a male crab, it shall be unlawful to use crab pots in Coastal Fishing  
7 Waters unless each pot contains no less than three unobstructed escape rings that are at least two and five-sixteenth  
8 inches inside diameter and:

9 (1) for pots with a divider:

10 (A) two escape rings shall be located on opposite panels of the upper chamber of the pot; and

11 (B) at least one escape ring shall be located within one full mesh of the corner and one full  
12 mesh of the bottom of the divider in the upper chamber of the pot.

13 (2) for pots without a divider:

14 (A) two escape rings shall be located on opposite panels of the pot; and

15 (B) at least one escape ring shall be located within one full mesh of the corner and one full  
16 mesh of the bottom of the pot.

17 For the purpose of this Rule, a "divider" shall mean a panel that separates the crab pot into upper and lower sections.

18 (h) The Fisheries Director may, by proclamation, impose on a commercial fishing operation and for recreational  
19 purposes any of the following restrictions for pots:

20 (1) specify time;

21 (2) specify area;

22 (3) specify means and methods;

23 (4) specify record keeping and reporting requirements;

24 (5) specify season, including a closed season for removal of all pots from Internal Waters;

25 (6) specify species; and

26 (7) specify ~~quantity~~ quantity of species taken.

27 (i) It shall be unlawful to use more than 150 crab pots per vessel in Newport River.

28 (j) It shall be unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after  
29 sunset and one hour before sunrise.

30 (k) It shall be unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.

31 (l) It shall be unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or  
32 "leaders" shall mean any fixed or stationary net or device used to direct fish into any gear used to capture fish. Any  
33 device with leads or leaders used to capture fish shall not be a pot.

34  
35 *History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;*

36 *Eff. January 1, 1991;*

1 *Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992;*  
2 *September 1, 1991;*  
3 *Temporary Amendment Eff. July 1, 1999;*  
4 *Amended Eff. August 1, 2000;*  
5 *Temporary Amendment Eff. September 1, 2000;*  
6 *Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002;*  
7 *Readopted Eff. March 15, ~~2023~~, 2023;*  
8 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0523 is adopted with changes as published in 39:07 NCR 383 as follows:

2  
3 **15A NCAC 03M .0523 FALSE ALBACORE**

4 (a) If the level of landings of false albacore in a calendar year exceeds 200 percent of the five-year average of North  
5 Carolina recreational and commercial landings combined from ~~2018-2022~~, 2018-2022 as determined by the Division  
6 of Marine Fisheries, the Fisheries Director shall issue a proclamation as set forth in Paragraph (b) of this Rule.

7 (b) In accordance with Paragraph (a) of this Rule and after prior consent of the Marine Fisheries Commission, the  
8 Fisheries Director shall, by proclamation, impose the following requirements on the taking of false albacore:

9 (1) for recreational purposes, specify a bag limit not to exceed 10 fish per person per day, not to exceed  
10 30 fish per vessel per day; and

11 (2) for a commercial fishing operation, specify a trip limit not to exceed 3,500 pounds in any one day  
12 or trip, whichever is more restrictive.

13 (c) A proclamation issued in accordance with Paragraphs (a) and (b) of this Rule shall become effective January 1 of  
14 the year following the year when the determination is made that a proclamation shall be issued. The proclamation  
15 shall expire when the level of landings falls below the landings level in Paragraph (a) of this Rule in a subsequent  
16 calendar year and after prior consent of the Marine Fisheries Commission.

17  
18 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*  
19 *Eff. May 1, 2025.*

## **Burgos, Alexander N**

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**From:** Everett, Jennifer  
**Sent:** Friday, April 4, 2025 12:02 PM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** Re: Marine Fisheries RFC .600

Received, thank you!

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Friday, April 4, 2025 11:38 AM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Marine Fisheries RFC .600

Hi Jennifer,

Attached please find the request for changes on the balance of the rules currently on the RRC agenda for April.

As always if you have any questions or concerns please feel free to contact me.

Have a good weekend.

Bill

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**From:** Everett, Jennifer  
**Sent:** Tuesday, March 25, 2025 3:09 PM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N; Blum, Catherine  
**Subject:** Fw: MFC RFC Part 1  
**Attachments:** 04.2025 -MFC RFC.docx

Thanks Bill, we are on it!

Jennifer Everett  
DEQ Rulemaking Coordinator  
N.C. Depart. Of Environmental Quality  
Office of General Counsel  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
Tele: (919)-707-8595  
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Tuesday, March 25, 2025 9:54 AM  
**To:** Everett, Jennifer <jennifer.everett@deq.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** MFC RFC Part 1

Good morning Jennifer,

Attached please find the request for changes for Rules 15A NCAC 03J .0301 and 03M .0523. I will get to the 03O rules as soon as I can. It appeared to me that these rules were unrelated to the 03O rules so I thought I would go ahead and send these two.

I would encourage you to reply prior to the deadline so we can work out any concerns.

Thank you for your cooperation. As always if you have any questions please feel free to contact me.

Bill

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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