

Burgos, Alexander N

Subject: FW: WRC Comments on Rule 15A NCAC 03M .0101
Attachments: WRC Comments on MFC Rule 03M .0101_05112023 Chairman Crump.pdf

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, May 11, 2023 2:47 PM
To: rrc.comments <rrc.comments@oah.nc.gov>
Cc: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Duke, Lawrence <lawrence.duke@oah.nc.gov>
Subject: WRC Comments on Rule 15A NCAC 03M .0101

Attached please find comments from the Wildlife Resources Commission on Marine Fisheries Commission rule 15A NCAC 03M .0101. Please let me know if there are any questions.

Carrie Ruhlman

Policy Development Manager

N.C. Wildlife Resources Commission

Office of Conservation Policy & Analysis

1751 Varsity Drive

Raleigh, North Carolina 27606

Office: 919-707-0011

Mobile: 919-606-2241

Email: carrie.ruhlman@ncwildlife.org
ncwildlife.org



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☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Monty Crump, Chairman

May 11, 2023

Rules Review Commission Members,

The NC Wildlife Resources Commission (NCWRC) respectfully submits the following comments on the NC Marine Fisheries Commission's (NCMFC) proposed amendments to 15A NCAC 03M .0101 Mutilated Finfish. The NCWRC believes that this rule, regardless of proposed amendments, exceeds the jurisdiction of the NCMFC as the rule appears to apply to all finfish regardless of species or type of water fished. The proposed changes do not address this concern, and therefore the rule as written is vague, ambiguous, and likely to incite confusion among recreational anglers.

Per G.S. 113-132, NCMFC rule 15A NCAC 03Q .0103, and NCWRC rule 15A NCAC 10C .0103, the NCWRC has jurisdiction over certain inland game fish species in joint and coastal fishing waters. Rule 15A NCAC 10C .0701 specifically addresses this authority. Additionally, in joint fishing waters, the authority to regulate all hook and line fishing is under exclusive jurisdiction of the NCWRC per G.S. 113-132, NCMFC rule 15A NCAC 03Q .0106, and NCWRC rule 15A NCAC 10C .0106.

For the species of finfish under the jurisdiction of the NCWRC, the regulations on mutilation for use as bait are established by the NCWRC, not the NCMFC. As such, the NCWRC addresses removing the head or tail or otherwise changing the appearance for fish under its jurisdiction in 15A NCAC 10C .0304 and 15A NCAC 10C .0409. To an angler, the prohibition in the NCMFC rule could be confusing if not further clarified to apply to those fish specifically under jurisdiction of the NCMFC. Thus, the NCWRC requests that the RRC object to the amendments to 15A NCAC 03M .0101 as submitted and require the agency to clarify the circumstances and species to which this rule applies.

Sincerely,

Monty Crump, Chairman

N.C. Wildlife Resources Commission