



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC Wildlife Resources Commission

2. Rule citation & name: 15A NCAC 10C .0218 HARVEST REPORTING REQUIREMENTS

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: 4/19/24
- b. Proposed Temporary Rule published on the OAH website: 4/23/24
- c. Public Hearing date: 5/1/24
- d. Comment Period: 4/22/24 – 5/20/24
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): 4/22/24
- f. Adoption by agency on: 6/6/24
- 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:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ 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: 10/10/23
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ Other:

**Explain:** 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 report that harvest to the N.C. Division of Marine Fisheries. The law directs the Marine Fisheries Commission and the Wildlife Resources Commission to adopt temporary rules to implement the requirements. The temporary rules will remain in effect until the permanent rules that replace them become effective.

NOTE: On February 27, 2024, the WRC submitted a request to the RRC to waive the 210-day requirement for temporary rulemaking after the enactment of legislation. The RRC approved the waiver at their February 28, 2024 meeting and provided an additional 60 days for adoption of temporary rules, moving the deadline from May 7, 2024 until July 6, 2024.

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

Beginning December 1, 2024, recreational anglers will be required to report their harvest of red drum, flounder, spotted seatrout (speckled trout), striped bass and weakfish (gray trout). S.L. 2023-137 created harvest reporting requirements for the MFC and WRC to implement, first via temporary rule and then via permanent rule. Temporary rules have been adopted by the MFC and WRC as required. Permanent rules to replace the temporary rules will be adopted as required once the agencies can take the information gained from the initial phase of implementation to refine the requirements for the permanent rules as needed.

**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**

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**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: [monty@gorockingham.com](mailto:monty@gorockingham.com)**

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0218 (Temporary)

**DEADLINE FOR RECEIPT: June 20, 2024**

**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:

*In (a)(1) line 5, please spell out "N.C."*

*In (3), your agency's definition of "harvest" is different than the definition adopted by Marine Fisheries in 15A NCAC 03I .0123. Is it important for both agencies to have the exact same definition in this situation?*

*In (b), please add a comma after "species" (line 12) and after "waters" (line 13).*

*In (c) lines 22-23, replace "by midnight the day after harvest is complete" with "in accordance with 15A NCAC 03I .0124(b)."*

*In (e), your agency and Marine Fisheries should consider both using "are effective" or "shall be effective" in these rules for consistency.*

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

1 15A NCAC 10C .0218 is adopted under temporary procedures with changes as follows:

2  
3 **15A NCAC 10C .0218 HARVEST REPORTING REQUIREMENTS**

4 (a) For the purpose of this Rule, the following definitions shall apply:

5 (1) "Division" means the N.C. Division of Marine Fisheries.

6 (2) "inland fishing waters adjacent to joint or coastal fishing waters" means inland fishing  
7 waters upstream of joint or coastal fishing waters of the Roanoke, Tar, Neuse, and Cape  
8 Fear rivers and their tributaries extending upstream to the first impoundment of the main  
9 course on the river or its tributaries, and in all other inland fishing waters east of Interstate  
10 95 except in the Lumber River and its tributaries.

11 (3) "harvest" means catching a fish and reducing it to permanent possession.

12 (b) An individual who harvests the following species from joint fishing waters or inland fishing waters  
13 adjacent to joint or coastal fishing waters shall report the information required in Paragraph (b) of Rule 15A  
14 NCAC 03I .0124 to the Division at <https://www.ncmarinefisheries.net> or record the harvest on a Division-  
15 issued report card when harvest is complete:

16 (1) flounder;

17 (2) red drum;

18 (3) spotted seatrout;

19 (4) striped bass; and

20 (5) weakfish.

21 (c) Individuals using a Division-issued report card shall report the information electronically at  
22 <https://www.deq.nc.gov/about/divisions/marine-fisheries> <https://www.ncmarinefisheries.net> by midnight  
23 the day after harvest is complete.

24 (d) An individual shall not remove the head or tail or otherwise change the appearance of the fish to render  
25 it impractical to identify, count, or measure while fishing or afield and until harvest has been recorded or  
26 reported.

27 (e) The requirements of this Rule are effective in accordance with the schedule in S.L. 2023-137, s. 6(f).

28  
29 History Note: Authority G.S. 113-134; 113-170.3;

30 Temporary Adoption Eff. July 1, 2024.

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