

N.C. Marine Fisheries Commission Rules Effective May 1, 2025
Form 0300 Notice of Text (Attachment)
7. Explain Reason for Proposed Rule(s):

Pot Marking Requirements

15A NCAC 03J .0301 POTS

In accordance with N.C.G.S. § 150B-19.1(a)(2), the proposed rule amendments seek to reduce the burden on stakeholders who use pots for fishing by only requiring one form of pot identification, not two forms. The agency coordinated with N.C. Marine Patrol to conclude that one form of identification is sufficient for marking pots. The proposed changes are in response to feedback from stakeholders and internal review of processes.

False Albacore Management

15A NCAC 03M .0523 FALSE ALBACORE

The proposed rule adoption would delegate proclamation authority to the Fisheries Director to issue a proclamation to manage the false albacore fishery if landings exceed a predetermined threshold, with prior consent by the Marine Fisheries Commission (MFC). False albacore (*Euthynnus alletteratus*), also known as "little tunny", is not managed at the state nor federal level in North Carolina nor in any Atlantic waters on the east coast of the United States. North Carolina does not currently have any means to manage this fishery and the MFC is seeking the ability to do so to be prepared if the fishery continues to expand. The need for potential management was identified when there was concern expressed by the recreational fishing industry and the MFC that commercial and recreational landings have increased annually over the last 10 years and that the pressure could continue to increase over time with no tool available to implement management. The proposed rule adoption would be the first regulation for the false albacore fishery implemented in Atlantic waters.

Interstate Wildlife Violator Compact

- 15A NCAC 03O .0601 WVC GENERAL PROVISIONS**
- 15A NCAC 03O .0602 WVC OPERATIONS MANUAL**
- 15A NCAC 03O .0603 WVC CONDITIONS FOR N.C. VIOLATIONS BY NON-RESIDENTS**
- 15A NCAC 03O .0604 WVC CONDITIONS FOR N.C. RESIDENTS FOR FAILURE TO APPEAR OR FAILURE TO COMPLY IN ANOTHER WVC MEMBER STATE**
- 15A NCAC 03O .0605 WVC RECIPROCAL RECOGNITION OF SUSPENSIONS**
- 15A NCAC 03O .0606 APPEALS**

The proposed adoption of these six rules would comply with the Wildlife Violator Compact Act (WVC). The N.C. General Assembly enacted the WVC in statute (Article 22B) via Senate Bill 175 in 2008. The bill was signed into law on July 14, 2008, and became effective on October 1, 2008. In 2009, House Bill 105 added the N.C. Marine Fisheries Commission (MFC) and the N.C. Division of Marine Fisheries (DMF) to the WVC and all species of animals they protect or regulate to the definition of "wildlife". This act became effective on October 1, 2009. Article 22B includes G.S. § 113-300.7, which requires the N.C. Wildlife Resources Commission (WRC) and the MFC to adopt rules necessary to carry out the purpose of Article 22B. The legislation requires the WRC to adopt its rules first, which it did, effective August 1, 2017. The WVC would have two primary benefits pertaining to the wildlife resources under the authority of the MFC and the DMF: 1) reciprocal recognition of license suspensions with WVC participating states; and 2) enhanced flexibility for fair and impartial treatment of non-resident violators. North Carolina's participation in the WVC gives N.C. agencies a mechanism to increase accountability on wildlife violators who have been suspended in other jurisdictions. The adoption of MFC rules would allow DMF to hold those wildlife violators accountable and would result in the N.C. Marine Patrol being able to treat all wildlife violators equally, regardless of their state residency. By providing a mechanism to suspend licenses in outside jurisdictions there is a consequence for those charged should they fail to appear in court or fail to comply, thus serving as a deterrent for wildlife violators from outside jurisdictions.