

Documents

Rule Suspensions

Rulemaking Update Memo

2023-2024 Annual Rulemaking Cycle

2024-2025 Annual Rulemaking Cycle

2024-2025 Proposed Rules Public
Comment Period News Release

North Carolina Register Excerpt

2024-2025 Proposed Rules Public
Comment

Public Hearing Summary

Rewritten 15A NCAC 03O .0605



JOSH STEIN
Governor

D. REID WILSON
Secretary

KATHY B. RAWLS
Director

February 3, 2025

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Jason Rock, Fisheries Management Section Chief
SUBJECT: Temporary Rule Suspensions

Issue

In accordance with the North Carolina Division of Marine Fisheries Resource Management Policy Number 2014-2, Temporary Rule Suspension, the North Carolina Marine Fisheries Commission will vote on any new rule suspensions that have occurred since the last meeting of the commission.

Findings

There have been no new rule suspensions since the November 2024 meeting.

Action Needed

No action is needed.

Overview

In accordance with policy, the division will report current rule suspensions previously approved by the commission as non-action items. They include:

NCMFC Rule 15A NCAC 03J .0103 (h) GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to implement year-round small mesh gill net attendance requirements in certain areas of the Tar-Pamlico and Neuse rivers systems. This action was taken as part of a department initiative to review existing small mesh gill net rules to limit yardage and address attendance requirements in certain areas of the state. This suspension continues in Proclamation [M-5-2025](#).

NCMFC Rule 15A NCAC 03J .0501 (e)(2) DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to increase the minimum mesh size of escape panels for flounder pound nets



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in accordance with Amendment 3 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in proclamation [M-34-2015](#) and continues in Proclamation [M-9-2024](#).

NCMFC Rule 15A NCAC 03L .0103 (a)(1) PROHIBITED NETS, MESH LENGTHS AND AREAS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to adjust trawl net minimum mesh size requirements in accordance with Amendment 2 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in Proclamation SH-3-2019 and continues in Proclamation [SH-1-2022](#).

NCMFC Rule 15A NCAC 03L .0105 (2) RECREATIONAL SHRIMP LIMITS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to modify the recreational possession limit of shrimp by removing the four quarts heads on and two and a half quarts heads off prohibition from waters closed to shrimping in accordance with Amendment 2 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in Proclamation [SH-4-2022](#).

NCMFC Rule 15A NCAC 03L .0205 (a) CRAB SPAWNING SANCTUARIES

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to close crab spawning sanctuaries year-round to the use of trawls in accordance with Amendment 2 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in Proclamation [M-13-2024](#).

NCMFC Rule 15A NCAC 03M .0502 (a) MULLET

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to modify the recreational and for-hire possession limits of mullet in accordance with Amendment 2 to the North Carolina Striped Mullet Fishery Management Plan. This suspension was implemented in Proclamation [FF-27-2024](#).

NCMFC Rule 15A NCAC 03M .0515 (a)(2) DOLPHIN

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to adjust the recreational vessel limit to complement management of dolphin under the South Atlantic Fishery Management Council's Amendment 10 to the Fishery



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Management Plan for the Dolphin and Wahoo Fishery of the Atlantic. This suspension was implemented in Proclamation [FF-30-2022](#).

NCMFC Rule 15A NCAC 03O .0501 (e)(4) PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to issue the Shellfish Relocation Permit to permittees already issued a Division of Coastal Management permit for development activity. This suspension was implemented in Proclamation [M-11-2023](#).

NCMFC Rule 15A NCAC 03Q .0107 (4) SPECIAL REGULATIONS: JOINT WATERS

Suspension of a portion of this rule for an indefinite period. Suspension of this rule allows the division to adjust the creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. This suspension was continued in Proclamation [FF-8-2025](#).



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Secretary

KATHY B. RAWLS
Director

January 24, 2025

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Catherine Blum, Rulemaking Coordinator
Marine Fisheries Commission Office

SUBJECT: Rulemaking Update

Issue

Update the N.C. Marine Fisheries Commission (MFC) on the status of rulemaking in support of the 2023-2024 and 2024-2025 rulemaking cycles. Request the MFC vote on final approval of the eight rules in the 2024-2025 Rulemaking Cycle.

Findings

- 2023-2024 Rulemaking Cycle – Update
 - At its May 2023 business meeting, the MFC began the process for 103 rules in this cycle.
 - On April 1, 2024, 80 of these rules became effective; three additional rules became effective June 17, 2024, following legislative review.
 - At its May 2024 business meeting, the MFC gave final approval of the remaining 20 rules. The rules received final approval at the July 31 Rules Review Commission (RRC) meeting.
 - Two of these rules became effective August 1, 2024. The remaining 18 rules are automatically subject to legislative review during the 2025 long session and thus, will have a delayed effective date.
- 2024-2025 Rulemaking Cycle – Action
 - At its August 2024 business meeting, the MFC began the process for eight rules in this cycle.
 - On October 1, 2024, a news release was issued and the proposed rules were published in the *N.C. Register*, beginning the public comment process.
 - A public hearing was held on October 30, 2024, and the public comment period closed December 2, 2024.
 - The public comments received will be presented to the MFC at its February 2025 business meeting when it is scheduled to vote on final approval of the rules. The rules have an earliest effective date of May 1, 2025.

Action Needed

The MFC will be asked to vote on final approval of the eight rules in the 2024-2025 Rulemaking Cycle.

2023-2024 Rulemaking Cycle Update (18 of 103 rules remaining)

At its May 2023 business meeting, the MFC approved Notice of Text for Rulemaking to begin the process for 103 rules. A table showing the timing of the steps in the process is included in the rulemaking section of the briefing materials. A news release was issued August 1, 2023, and the proposed rules were published in the August 1, 2023, issue of the *N.C. Register*, beginning the public comment process.

The MFC accepted public comments on the proposed rules from August 1 through 5 p.m. October 2, 2023. A public hearing was held via WebEx with a listening station at the Division of Marine Fisheries (DMF) Central District Office in Morehead City on August 16, 2023, at 6 p.m. The MFC received the public comments at its November 2023 business meeting and gave final approval of 83 of the 103 rules that are related to shellfish plants and inspections, to meet readoption deadlines. There are 80 rules that became effective on April 1, 2024. Three rules were automatically subject to legislative review per Session Law 2019-198 and N.C.G.S. § 14-4.1 and became effective June 17, 2024. These 83 rules are available in the [latest supplement](#) to the April 1, 2020 North Carolina Marine Fisheries Commission Rules (see <https://www.deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/rules>).

At its May 2024 business meeting, the MFC was again provided with a copy of the public comments received for this rulemaking cycle and then gave final approval of the remaining 20 rules. A summary of these proposed rules by subject is provided below. The rules received final approval at the July 31 Rules Review Commission (RRC) meeting. Two rules became effective August 1, 2024 (15A NCAC 03K .0110, 03R .0117) and are available in the [latest supplement](#) to the April 1, 2020 North Carolina Marine Fisheries Commission Rules. The remaining 18 rules are automatically subject to legislative review per Session Law 2019-37, and Session Law 2019-198 and N.C.G.S. § 14-4.1 during the 2025 long session and thus, will have a delayed effective date.

READOPTON OF SHELLFISH PLANT AND INSPECTION RULES IN 15A NCAC 18A .0300 THROUGH .0800 (1 of 85 rules remaining)

Pursuant to N.C.G.S. § 150B-21.3A, this package of 85 rules for shellfish plants and inspections in 15A NCAC 03K and 18A consisted of the readoption of one rule with no changes, readoption of 55 rules with amendments, repeal through readoption of 23 rules, amendment of two rules, adoption of three rules, and the repeal of one rule. The changes help ensure that North Carolina remains in full compliance with national requirements, provide efficiencies for the DMF in the process of implementing and enforcing the rules, and clarify and update the rules for stakeholders. The one remaining rule (15A NCAC 18A .0302) contains minor conforming amendments.

DATA COLLECTION AND HARASSMENT PREVENTION FOR THE CONSERVATION OF MARINE AND ESTUARINE RESOURCES (5 rules)

Due to the increasing occurrence and severity of harassment during, and decreasing participation in, DMF data collection initiatives, amendments are proposed to five MFC rules. Proposed amendments set requirements to address harassment of DMF employees by any licensee or person engaged in regulated activity under Chapter 113, Subchapter IV, of the General Statutes (e.g., fishing) that

occurs in the process of obtaining data for the conservation of marine and estuarine resources, and data for the protection of public health related to the public health programs that fall under the authority of the MFC. Additional amendments provide the types of data that may be collected. The amendments support the importance of participation by persons engaged in regulated fishing activity in DMF data collection and provide a safer working environment for DMF employees.

CONFORMING RULE CHANGES FOR SHELLFISH RELAY PROGRAM AND SHELLFISH LEASES AND FRANCHISES (12 rules)

In 2021, the DMF began the process of discontinuing its Shellfish Relay Program (relaying of shellfish from certain polluted areas) due primarily to insufficient resources to run the program and lack of widespread use. The Shellfish Relay Program ended May 1, 2024. The MFC first received information about the discontinuation of the Shellfish Relay Program at its February 2022 business meeting. DMF identified 11 rules relating to the Shellfish Relay Program that set specific requirements for the relaying of shellfish from certain polluted areas. Changes are proposed to amend portions of rules or repeal rules consistent with rulemaking requirements in the Administrative Procedure Act (N.C.G.S. § 150B).

Additional proposed changes for shellfish lease and franchise requirements are proposed to 15A NCAC 03O .0201 to conform to requirements of Session Law 2019-37 (Act to Provide Further Support to the Shellfish Aquaculture Industry in North Carolina). Specifically, changes incorporate and conform the shellfish production and planting requirements from Session Law 2019-37 for shellfish leases granted before July 1, 2019, and for shellfish leases granted on or after this date. Additional proposed changes require shellfish lease or franchise holders to meet the listed production, marking, and permit requirements for current shellfish leases before being eligible for additional shellfish lease acreage. Doing so would help ensure more efficient and meaningful use of the public trust bottom by preventing persons who are not in good standing from precluding potential applicants from applying for a shellfish lease in affected areas.

2024-2025 Rulemaking Cycle (8 rules)

At its August 2024 business meeting, the MFC approved Notice of Text for Rulemaking to begin the process for eight rules. A summary of the proposed rules by subject is provided below. A table showing the timing of the steps in the process is included in the rulemaking section of the briefing materials. On October 1, 2024, a news release was issued and the proposed rules were published in the *N.C. Register*, beginning the public comment process. These documents are provided in the rulemaking section of the briefing materials.

The MFC accepted public comments on the proposed rules from October 1 through 5 p.m. December 2, 2024. Fourteen written public comments were submitted about the rules, which are summarized with the corresponding subject below and are included in a table in the briefing materials. A public hearing was held on October 30, 2024, at 6 p.m. via WebEx with a listening station at the DMF's Central District Office in Morehead City. Thank you to Commissioner Hobgood for serving as the hearing officer. Eighteen members of the public provided comments that are summarized with the corresponding subjects below. A summary of the hearing is also included in the briefing materials.

The public comments received will be presented to the MFC at its February 2025 business meeting when it is scheduled to vote on final approval of the rules. One of the proposed rules to implement the Interstate Wildlife Violator Compact contains a minor conforming change that DMF staff identified was needed following publication of the rule in the *N.C. Register*, which is detailed in the corresponding summary below. This minor change is reflected in the version of the rule that will be presented to the MFC for a vote on final approval. Proposed rules have an earliest effective date of May 1, 2025, except for rules automatically subject to legislative review per Session Law 2019-198 and N.C.G.S. § 14-4.1. Rules that are subject would likely be available for review during the 2026 short session and thus, would have a delayed effective date.

POT MARKING REQUIREMENTS RULE AMENDMENTS (1 rule)

Proposed amendments would simplify pot marking requirements for commercial fishermen by requiring only one of three ways to mark pot buoys, not two ways: 1) gear owner's current motorboat registration number; or 2) gear owner's U.S. vessel documentation name; or 3) gear owner's last name and initials. The current rule requires the gear owner's last name and initials be identified on each buoy as a baseline. Then, if a vessel is used, the identification must also include either the gear owner's current motorboat registration number or the gear owner's U.S. vessel documentation name. There have been no problems with pot identification and pot identification would be sufficient via a single identifier. The proposed amendments would simplify the requirements and grant some relief to commercial fishermen that use pots in their commercial fishing operation. No public comments were received about this proposed rule. The rule is automatically subject to legislative review per Session Law 2019-198 and N.C.G.S. § 14-4.1.

FALSE ALBACORE MANAGEMENT RULE ADOPTION (1 rule)

The proposed adoption of this rule would provide a mechanism to implement management measures to cap harvest when the false albacore fishery landings exceed a threshold of 200% of average landings from both sectors combined from 2018 to 2022. Harvest restrictions would be implemented if the threshold is exceeded as a means to prevent further expansion of the false albacore fisheries beyond the threshold. Currently, there are no rules in place for management of false albacore in North Carolina.

There is no baseline stock assessment for false albacore and thus, no biological basis for reducing harvest. The only mechanism to monitor false albacore is through annual landings in North Carolina, which is not a measure for sustainability of the stock. While there is no need to manage to meet sustainability requirements, the MFC is seeking proactive management of false albacore to limit expansion of new and existing fisheries. Management options would include commercial trip limits, recreational bag limits, and recreational vessel limits. Twelve written public comments were submitted in support of this proposed rule and 18 speakers at the public hearing expressed support for this proposed rule. Two written public comments were submitted opposing the proposed rule, one of which stated the proposed rule does not go far enough, while the other opposing comment, which was submitted by the N.C. Fisheries Association (NCFA), stated "Without more biological data or support from at least one inter-jurisdictional management council/commission, NCFA cannot support arbitrary suppression of a viable North Carolina fishery while other states will not be subject to similar regulations."

INTERSTATE WILDLIFE VIOLATOR COMPACT RULE ADOPTIONS (6 rules)

The Interstate Wildlife Violator Compact is a voluntary interstate agreement that provides participating states with a mechanism to participate in a reciprocal program to: (1) promote compliance with the statutes, laws, administrative rules and regulations relating to management of wildlife resources in their respective states; and (2) provide for the fair and impartial treatment of wildlife violators operating within the participating states in recognition of the individual's right of due process and the sovereign status of a party state. North Carolina's participation in the Interstate Wildlife Violator Compact has been enacted into state law, so it must be implemented and enforced. Article 22B includes N.C.G.S. § 113-300.7, which requires the Wildlife Resources Commission (WRC) and the MFC to adopt rules necessary to carry out the purpose of Article 22B. The WRC has adopted its rules. For the purposes of the Interstate Wildlife Violator Compact, "wildlife" includes marine and estuarine resources managed by the MFC and the DMF. One speaker at the public hearing expressed support for these proposed rules.

After the proposed rules were published in the *N.C. Register*, DMF staff identified a minor conforming change needed in 15A NCAC 03O .0605, WVC RECIPROCAL RECOGNITION OF SUSPENSIONS, on lines 18 and 19 of the rule. Consistent with the RRC's *Administrative Rule Style Guide*¹, which provides guidance to agencies adopting rules, it is preferable to use the phrase "such as" instead of the abbreviation "e.g." This minor change is reflected in the version of the rule that will be presented to the MFC for a vote on final approval and is included in the briefing materials.

¹ <https://www.oah.nc.gov/documents/rules/administrative-rule-style-guide-updated-april-2021/download>

N.C. Marine Fisheries Commission 2023-2024 Annual Rulemaking Cycle

February 2025

Time of Year	Action
February-April 2023	Fiscal analysis of rules prepared by DMF staff and approved by Office of State Budget and Management
May 26, 2023	MFC approved Notice of Text for Rulemaking
Aug. 1, 2023	Publication of proposed rules in the <i>North Carolina Register</i>
Aug. 1-Oct. 2, 2023	Public comment period held
Aug. 16, 2023	Public hearing held via WebEx with listening station
Nov. 17, 2023	MFC receives public comments and approves 83 of 103 permanent rules
Jan. 31, 2024	83 rules approved by Office of Administrative Hearings/ Rules Review Commission
April 1, 2024	Effective date of 80 rules not subject to legislative review
April 1, 2024	Rulebook supplement available online
May 24, 2024	MFC received reminder of public comments and approved remaining 20 of 103 permanent rules
June 17, 2024	Effective date of 3 rules subject to legislative review per S.L. 2019-198 and G.S. 14-4.1
June 17, 2024	Rulebook supplement available online
July 31, 2024	20 rules approved by Office of Administrative Hearings/ Rules Review Commission
August 1, 2024	Effective date of 2 rules not subject to legislative review
August 1, 2024	Rulebook supplement available online
2025 legislative session	Possible effective date of 18 rules subject to legislative review per S.L. 2019-37, and S.L. 2019-198 and G.S. 14-4.1

N.C. Marine Fisheries Commission 2024-2025 Annual Rulemaking Cycle

February 2025

Time of Year	Action
February-July 2024	Fiscal analysis of rules prepared by DMF staff and approved by Office of State Budget and Management
Aug. 23, 2024	MFC approved Notice of Text for Rulemaking
Oct. 1, 2024	Publication of proposed rules in the <i>North Carolina Register</i>
Oct. 1-Dec. 2, 2024	Public comment period held
Oct. 30, 2024, 6 p.m.	Public hearing held via WebEx with listening station
February 2025	MFC receives public comments and votes on final approval of permanent rules
April 2025	Rules reviewed by Office of Administrative Hearings/ Rules Review Commission
May 1, 2025	Earliest effective date of rules not subject to legislative review
May 1, 2025	Rulebook supplement available online
2026 legislative session	Possible effective date of rules subject to legislative review per S.L. 2019-198 and G.S. 14-4.1



ROY COOPER
Governor
MARY PENNY KELLEY
Secretary
KATHY B. RAWLS
Division Director



Oct. 1, 2024

Comment period opens, public hearing scheduled for eight marine fisheries rules

MOREHEAD CITY – The N.C. Marine Fisheries Commission is accepting public comment on eight proposed rules pertaining to the Interstate Wildlife Violator Compact, false albacore management and pot marking requirements.

A public hearing will be held by web conference on Oct. 30 at 6 p.m. A listening station will be established at the NCDEQ Division of Marine Fisheries Central District Office at 5285 Highway 70 West, Morehead City.

The public may join the meeting online; however, those who wish to comment during the hearing must register to speak by noon on the day of the hearing. Those who wish to speak at the listening station may sign up when they arrive.

WHO: Marine Fisheries Commission
WHAT: Public Hearing for Proposed Rules
WHEN: Oct. 30 at 6 p.m.
WHERE: Meeting by Web Conference
[Click Here](#) for Information and to Sign Up to Speak

Members of the public may also submit written comments through an online form or through the mail to:

N.C. Marine Fisheries Commission Rules Comments
P.O. Box 769
Morehead City, N.C. 28557

Comments must be posted online or be received by the N.C. Division of Marine Fisheries by 5 p.m. Dec. 2, 2024.

Links to the public hearing registration form and online comment form, as well as text of the proposed rules and links to join the meeting, can be found on the N.C. Marine Fisheries Commission's [2024-2025 Proposed Rules Page](#).

Interstate Wildlife Violator Compact – Proposed adoption of 15A NCAC 03O .0601-.0606 would comply with the requirements of the Interstate Wildlife Violator Compact Act ("Act"). In its definition of "wildlife," the Act includes all species of animals the N.C. Marine Fisheries Commission and the Division of Marine Fisheries protect and regulate. The Act provides reciprocal recognition of license suspensions with participating states

and enhanced flexibility for fair and impartial treatment of non-residents with wildlife resources violations, including fishing violations. The adoption of these rules would allow the Division of Marine Fisheries to hold wildlife violators accountable and treat them the same, regardless of their state residency.

False Albacore Management – The proposed adoption of 15A NCAC 03M .0523 would delegate authority to the Fisheries Director to issue a public notice, called a "proclamation," to manage the false albacore fishery if landings exceed a predetermined threshold, with prior consent by the N.C. Marine Fisheries Commission. False albacore (*Euthynnus alletteratus*), also known as "little tunny," is not managed at the state or federal level in North Carolina or in any Atlantic waters on the East Coast. North Carolina currently has no procedural means to manage this fishery. The N.C. Marine Fisheries Commission is seeking to establish procedures in case the fishery continues to expand. The proposed rule adoption would be the first regulation for the false albacore fishery implemented in Atlantic waters.

Pot Marking Requirements – Proposed amendments to 15A NCAC 03J .0301 would reduce the burden on stakeholders who use pots for fishing by only requiring one form of pot identification, instead of two forms, as is currently required. 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.

The public comments and proposed rule changes will be presented to the N.C. Marine Fisheries Commission for final approval of the rules in February 2025. The proposed rules have an earliest effective date of May 1, 2025.

For questions about the N.C. Marine Fisheries Commission rulemaking process, email [Catherine Blum](mailto:Catherine.Blum@dmf.dem.nc.gov), rules coordinator for the Division of Marine Fisheries.

For More Information

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NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 07 • Pages 339 – 453

October 1, 2024

I. EXECUTIVE ORDERS	
Executive Order No. 311 & 312	339 – 345
II. IN ADDITION	
2025 Low Income Tax Credit Qualification	346 – 380
III. PROPOSED RULES	
Environmental Quality, Department of	
Marine Fisheries Commission	381 – 384
Coastal Resources Commission	385 – 386
Wildlife Resources Commission	386 – 387
Public Instruction, Department of	
Education, State Board of	387 – 403
Administrative Hearings, Office of	
Rules Review Commission	404
IV. APPROVED RULES	405 – 443
Health and Human Services, Department of	
Department	
Justice, Department of	
Sheriffs' Education and Training Standards Commission	
Public Safety, Department of	
Department	
Private Protective Services Board	
Alarm Systems Licensing Board	
Environmental Quality, Department of	
Environmental Management Commission	
Occupational Licensing Boards and Commissions	
Electrical Contractors, Board of Examiners of	
Optometry, Board of Examiners in	
Pharmacy, Board of	
Plumbing, Heating and Fire Sprinkler Contractors, Board of Examiners of	
Veterinary Medical Board	
V. RULES REVIEW COMMISSION	444 – 453

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Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2024 – December 2024

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 15A — DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Marine Fisheries Commission intends to adopt the rules cited as 15A NCAC 03M .0523; 03O .0601-.0606 and amend the rule cited as 15A NCAC 03J .0301.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://deq.nc.gov/mfc-proposed-rules>

Proposed Effective Date:
 15A NCAC 03J .0301 — Subject to Legislative Review
 15A NCAC 03M .0523; 03O .0601-.0606 — May 1, 2025

Public Hearing:
Date: October 30, 2024
Time: 6:00 p.m.

Location:
 WebEx Events meeting link:
<https://ncgov.webex.com/ncgov/j.php?MTID=m104177ff009f62977013418ccb145fa9>
 Event number: 2425 240 2363
 Event password: 1234
 Event phone number: 1-415-655-0003
 Listening station: Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City, NC 28557

Reason for Proposed Action:

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.

Comments may be submitted to: Catherine Blum, P.O. Box 769, Morehead City, NC 28557 (Written comments may also be

submitted via an online form available at <https://deq.nc.gov/mfc-proposed-rules>.)

Comment period ends: December 2, 2024

Rule is automatically subject to legislative review: S.L. 2019-198: 15A NCAC 03J .0301

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 03 — MARINE FISHERIES

SUBCHAPTER 03J — NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0300 — POTS, DREDGES, AND OTHER FISHING DEVICES

15A NCAC 03J .0301 POTS

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

- (1) in Internal Waters from December 1 through May 31, except that:
(A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed from Internal Waters from January 1 through January 31. Fish pots upstream of the U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from this removal requirement.
(B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed from Internal Waters from March 1 through March 15.

- (2) in Internal Waters from June 1 through November 30 in the Northern Region designated in 15A NCAC 03R .0118(1):
(A) in areas described in 15A NCAC 03R .0107(a).
(B) to allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for and designate the areas described in 15A NCAC 03R .0107(b) or any part thereof, for the use of pots.
(3) in Internal Waters from May 1 through November 30 in the Southern Region designated in 15A NCAC 03R .0118(2), the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.
(4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.

(b) It shall be unlawful to use pots:

- (1) in any navigation channel marked by State or Federal agencies; or
(2) in any turning basin maintained and marked by the North Carolina Ferry Division.

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

- (1) gear owner's current motor boat registration number; or
(2) gear owner's U.S. vessel documentation name; or
(3) gear owner's last name and initials.

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

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

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

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

- (1) for pots with a divider:
(A) two escape rings shall be located on opposite panels of the upper chamber of the pot; and

- (B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the divider in the upper chamber of the pot.
- (2) for pots without a divider:
 - (A) two escape rings shall be located on opposite panels of the pot; and
 - (B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the pot.

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

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

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify record keeping and reporting requirements;
- (5) specify season, including a closed season for removal of all pots from Internal Waters;
- (6) specify species; and
- (7) specify quantity.

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

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

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

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

Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52.

SUBCHAPTER 03M — FINFISH

SECTION .0500 — OTHER FINFISH

15A NCAC 03M .0523 FALSE ALBACORE

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

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

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

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

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

Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52.

SUBCHAPTER 03O — LICENSES, LEASES, FRANCHISES, AND PERMITS

SECTION .0600 — INTERSTATE WILDLIFE VIOLATOR COMPACT (WVC)

15A NCAC 03O .0601 WVC GENERAL PROVISIONS

(a) The purpose of this Section is to establish the rules necessary to implement G.S. 113 Article 22B, the Interstate Wildlife Violator Compact (hereinafter referred to as WVC).

(b) The rules in this Section shall apply to any person possessing a license, privilege, or right to take, possess, sell, buy, or transport wildlife in the State of North Carolina. Violations under this Section apply only to offenses charged by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries or under G.S. 113-136(d). The rules shall not apply to any offenses committed in North Carolina or any other WVC state prior to July 1, 2025.

(c) The definitions in G.S. 113-300.6 Article II shall apply throughout this Section and to all forms prescribed pursuant to this Section, unless otherwise indicated.

(d) For the purpose of this Section, "member state" shall mean "party state" as defined in G.S. 113-300.6.

Authority G.S. 113-134; 113-300.7.

15A NCAC 03O .0602 WVC OPERATIONS MANUAL

The Wildlife Violator Compact Operations Manual and G.S. 113-300.6 hereby establish the administrative and procedural guidelines for participation in the WVC. The Wildlife Violator Compact Operations Manual is incorporated by reference including subsequent amendments and editions, and is available at <http://www.ncwildlife.org> or <http://www.deq.nc.gov/wildlifeviolatorcompact>, at no cost.

Authority G.S. 113-134; 113-300.7.

15A NCAC 03O .0603 WVC CONDITIONS FOR NORTH CAROLINA VIOLATIONS BY NON-RESIDENTS

(a) All offenses charged by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries or under G.S. 113-136(d) are subject to the provisions of the WVC.

(b) Non-residents of North Carolina who are residents of a WVC member state at the time of a misdemeanor violation as set forth in Paragraph (a) of this Rule occurring in North Carolina may be

released on personal recognizance when the violation consists of a written citation requiring a violator to resolve the violation directly with the court, either in person, by mail, or through an attorney.

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

(d) To have any licenses or permits returned by the Division, the non-resident shall submit to the Division a judgment, receipt, or other official record indicating that the citation has been resolved through the North Carolina Court System. The Division shall return affected licenses and permits.

Authority G.S. 113-134; 113-300.7.

15A NCAC 030 .0604 WVC CONDITIONS FOR NORTH CAROLINA RESIDENTS FOR FAILURE TO APPEAR OR FAILURE TO COMPLY IN ANOTHER WVC MEMBER STATE

(a) North Carolina residents who commit a wildlife violation as defined by G.S. 113-300.6 in another WVC member state, who upon release on personal recognizance from the issuing state, failed to resolve the terms of his or her citation, shall have any licenses and permits for which the Division of Marine Fisheries has enforcement authority in North Carolina suspended pursuant to G.S. 113-300.7.

(b) If the Division receives notice of an unresolved citation, a Notice of Suspension shall be prepared and sent to the wildlife violator as follows:

- (1) the suspension shall have a delayed effective date of at least 14 business days from the date of the mail used to send the notice of suspension to the wildlife violator, to allow the wildlife violator to contact the court in the issuing state and resolve the citation;
- (2) the notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife violator or be delivered personally;
- (3) the notice of suspension shall inform the violator of the issuing state from which the wildlife violator is suspended, the details of the violation provided by that issuing state to the Division, and procedures to be followed in resolving the matter with the court in the issuing state; and
- (4) the notice shall provide the procedure for appealing the suspension.

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

(d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of the resident to notify the Division and present documentation of compliance by submitting a copy of either the court judgment resolving the

matter or a Notice of Compliance from the issuing state. Upon receipt of the required documentation, the Division shall issue an acknowledgement of compliance to the resident. If the acknowledgement is issued before the effective date of the suspension, the suspension shall be rescinded. If the acknowledgment of compliance is issued after the effective date of the suspension, the Division shall return any licenses or permits.

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

Authority G.S. 113-134; 113-300.7; 143B-289.52.

15A NCAC 030 .0605 WVC RECIPROCAL RECOGNITION OF SUSPENSIONS

(a) When the Division of Marine Fisheries receives notice of a suspension from a WVC member state of a person's license or permit that is the result of a conviction or an accumulation of convictions of wildlife violations in one or more WVC member states, the Division shall determine whether the conviction, or accumulation of convictions, leading to the suspension could have led to the suspension of licenses and permits for which the Division has enforcement authority pursuant to Chapter 113, Subchapter IV of the General Statutes. If it is determined that the person's licenses and permits would have been suspended under Chapter 113, Subchapter IV of the General Statutes, the person's North Carolina licenses and permits shall be suspended pursuant to G.S. 113-300.7 for the period of suspension imposed by the WVC member state where the violation occurred.

(b) North Carolina shall communicate suspension information to other WVC member states using the WVC database, and may include the following information about the wildlife violator:

- (1) name;
- (2) date of birth;
- (3) last known address;
- (4) violations and convictions upon which the suspension is based;
- (5) scope of the suspension (e.g., fishing, hunting, trapping, all privileges or rights); and
- (6) effective dates of the suspension and term of the suspension.

(c) In the event documentation of a violation and subsequent license suspension is needed by a WVC member state for license suspension hearings or other purposes, the Division may provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders, and the disposition of the matter.

Authority G.S. 113-134; 113-300.7; 143B-289.52.

15A NCAC 030 .0606 APPEALS

A person served with a notice of suspension or revocation pursuant to this Section may obtain an administrative review of the suspension or revocation pursuant to G.S. 150B-23. Notice of the right to administrative review shall be included in the notice of suspension or revocation.

Authority G.S. 113-134; 113-300.7; 143B-289.52.

2024-2025 MFC Proposed Rules Public Comments

Created	Name	Address: City	Address: State	Are your comments for or against the proposed rulemaking?	Please enter your comments on proposed changes to the rules and cite the rule or rules on which you are commenting.
10/28/2024 9:12	Philip G. Stammler	Durham	North Carolina	For	I'm very glad to see the proposed regulation on the false albacore fishery in the state of North Carolina. As a lifetime state fishing license holder, I support the state investing in an important resource for our statewide economy through sensible and necessary catch regulation.
10/29/2024 14:39	Newman Weaver	Georgetown	South Carolina	For	I'm am 100% in favor of a management plan for False Albacore
10/29/2024 18:55	Paul CARUSO	Marstons Mills	Massachusetts	For	Please do whatever is in the power of the NCMFC to conserve this important coast wide fisheries game fish!
10/29/2024 21:04	Capt. Ray Jarvis	Westport	Massachusetts	For	<p>I am a full time charter captain from Massachusetts. False Albacore account for about 1/3 of the 100 or so charters I run a season. Without this fish making an appearance in our waters annually, I would struggle to run a successful charter business.</p> <p>I have been involved in tagging these fish with the ASGA. I personally tagged a fish in here in Massachusetts that was recaptured over 1200 miles away off of Key West, Florida.</p> <p>The False Albacore travels far and wide in its annual migration, this has been proven through recent scientific work.</p> <p>That being said, it is abundantly clear to me that this fish needs to be managed with everyone in mind. From Florida to New England, many people rely on the presence of this species.</p> <p>It is crazy to have an unmanaged fishery in this day and age, and I thank you for taking the time to steps to ensure that this species is protected for future generations.</p> <p>Thank you, Ray Jarvis</p>
10/29/2024 22:59	Christopher Clifford	McLean	Virginia	For	I strongly support adoption of rule 15A NCAC 03M .0523 and proactive management of the false albacore fishery. Thank you for your stewardship.

Created	Name	Address: City	Address: State	Are your comments for or against the proposed rulemaking?	Please enter your comments on proposed changes to the rules and cite the rule or rules on which you are commenting.
10/30/2024 9:24	Jeff Minderlein	Catonsville	Maryland	For	Protect the Faux Albie!!! Not the only reason we come to NC but one of them. Capt JP Minderlein
10/30/2024 11:28	Richard Bertoli	Orangeburg	New York	For	15A NCAC 03M .0523 False Albacore North Carolina currently lacks the procedural means to safeguard the false albacore fishery, even as its popularity continues to rise along the East Coast. By regulating the fishery proactively, the state can ensure sustainable populations of false albacore for future generations.
10/30/2024 15:10	Eric Spicer	North Kingstown	Rhode Island	For	I am writing in support of 15A NCAC 03M .0523. We have only recently gained scientific confirmation of what many of us have believed for a long time, we share false albacore as a resource all along the Atlantic coast. I work in the recreational fishing industry at a tackle shop in Rhode Island. False Albacore has become a key piece of our business, even more so as we see a decline in other fisheries. Anglers targeting false albacore are some of the most passionate people we come across at our shop, these anglers are after the thrill of catching a speeding bullet, myself included. I doubt most recreational anglers would blink if you told them they could not take a False Albacore home with them. We would love to see what abundance in a fishery can do for the growth of the recreational fishing industry and the revenue it brings to small businesses like fishing guides and tackle shops. I applaud North Carolina for being the tip of the spear for False Albacore management and setting a precedent that other states will soon follow. I hope this action leads to a long and healthy fishery for our beloved albies.

Created	Name	Address: City	Address: State	Are your comments for or against the proposed rulemaking?	Please enter your comments on proposed changes to the rules and cite the rule or rules on which you are commenting.
10/30/2024 16:14	Will Anders	Raleigh	North Carolina	Against	<p>I am an avid false albacore angler who is glad that we're discussing some rules but also don't think that this rule goes nearly far enough. I think that the cap limit is far too high at 200% and as we've learned through our experience with many other fisheries (gray trout, spot, flounder, etc.) when there is a sustained time period in which overfishing is occurring, things can appear okay for a while until all of a sudden you have a collapsed population that may or may not be able to ever recover. Furthermore, false albacore has tons of recreational value while basically no food value so the benefit to anglers and the community is major and the "cost" of our state choosing not to harvest these is basically nothing. Lastly, the timing of when decisions are made doesn't make sense given seasonal patterns - you can find albacore for most of the year, but they're always going to be most prevalent in the fall, so why would we potentially set ourselves up to have data in August that shows a need to cut back on harvest but not starting that restriction for a long time while in the intervening time period folks can decimate the species?</p>
10/30/2024 17:05	kelsey dick	Charleston	South Carolina	For	<p>I am in favor of the proposed rule, 15A NCAC 03M .0523, that would empower the Fisheries Director to issue management actions, or proclamations, if false albacore landings exceed a specific threshold. False albacore are critical to recreational anglers, especially as other fisheries decline or face further restrictions, it is important to manage this fishery.</p>

Created	Name	Address: City	Address: State	Are your comments for or against the proposed rulemaking?	Please enter your comments on proposed changes to the rules and cite the rule or rules on which you are commenting.
10/31/2024 11:33	Scott Davis	Charleston	South Carolina	For	Thank you to the commission for taking this giant first step to protect False Albacore. It is a crucial move to protect a fish that so many love. Unregulated, their future would certainly continue to decline and be removed to stories I tell my kids about how good it "used to be." I don't want to be that dad, and the Albie do not deserve to be that fish. Thank you again for the work y'all are doing.
11/4/2024 15:49	Ken S	Kernersville	North Carolina	For	I agree to set limits if the fish are currently being harvested. Protect our fishery from over harvest whether it is recreation anglers or commercial operations.
11/26/2024 12:15	David Sneed	Raleigh	North Carolina	For	The Coastal Conservation Association North Carolina submits its continued support for the proposed rules on False Albacore Management. This is a very popular recreationally targeted species with growing coastwide commercial harvest and, as such, the guardrails proposed to control harvest are an important and necessary first step towards management for long-term viability of the species.
11/30/2024 10:55	North Carolina Fisheries Association	Morehead City	North Carolina	Against	<p>The North Carolina Fisheries Association opposes proposed rule 15A NCAC 03M .0523 for false albacore management.</p> <p>False albacore is a highly migratory species that can be found in all temperate and tropical waters of the Atlantic Ocean. There is no biological data suggesting need for special management or protection of this species. In fact, management for false albacore has been determined unnecessary by the South Atlantic Fisheries Management Council, the Mid-Atlantic Fisheries Management Council, and the Atlantic States Marine Fisheries Commission.</p> <p>This rule attempts to cap harvest based solely on landings with no regard to estimates of stock size, number of recruits, spawning stock biomass, amount of fishing effort, or any other metric used to determine sustainability of the fishery. In fact, the NC Division of Marine Fisheries admits in the first paragraph of the Fiscal Impact Analysis of this proposed rule that they do not currently have any means to manage this fishery and they go on to say they cannot realize the costs and benefits related to implementation of [these] management measures.☐</p> <p>Without more biological data or support from at least one inter-jurisdictional management council/commission, NCFCA cannot support arbitrary suppression of a viable North Carolina fishery while other states will not be subject to similar regulations.</p> <p>Thomas Newman, North Carolina Fisheries Association, Fisheries Liaison</p>

MARINE FISHERIES COMMISSION
SUMMARY OF PUBLIC HEARING FOR PROPOSED RULES
DIVISION OF MARINE FISHERIES
CENTRAL DISTRICT OFFICE, MOREHEAD CITY, N.C.
OCTOBER 30, 2024, 6 P.M.

Marine Fisheries Commission: A Hobgood, Tom Roller

Division of Marine Fisheries Staff: Chris Batsavage, Catherine Blum, Jesse Bisette, Ben Bolton, Tina Moore, Brandi Salmon, McLean Seward, Hope Wade, Jason Walker

Public: David Blinken, Bobby Brewer, Blane Chocklett, Luyen Chou, Brendan Curley, Jack Cushman, Scott Davis, Tony Friedrich, Wilson Greene, Joseph Harris, Michael Hogan, Dan Holmes, Peter Jenkins, Nick Jones, Brian Kelly, John Mauser, Eddie Nickens, Terry Nugent, Will Poston, Kevin Prather, Cody Rubner, Todd Treonze

Media: None

Marine Fisheries Commission member A Hobgood, serving as the hearing officer, opened the public hearing for Marine Fisheries Commission proposed rules at 6 p.m. He explained that there are changes to eight rules proposed by the Marine Fisheries Commission and the proposed effective date of these rules is May 1, 2025, unless the rules are automatically subject to legislative review per S.L. 2019-198. He said public comments on the proposed rules will be presented to the Marine Fisheries Commission at its February 2025 business meeting prior to its vote on final approval of the rules. Commissioner Hobgood reviewed guidelines of the public hearing process and explained the hearing is a formal process to receive public comments only about the proposed rules as published in the *N.C. Register*.

Division staff member Catherine Blum reviewed the proposed rules by explaining the reason for proposed action as published in Volume 39, Issue 07 of the *N.C. Register*. She said the comment period for these eight rules ends at 5 p.m. December 2, 2024. Mrs. Blum said comments may be submitted via U.S. mail to the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557; written comments may also be submitted via an online form available on the Division of Marine Fisheries website, on the "2024-2025" proposed rules webpage.

Commissioner Hobgood opened the floor for the public to provide comments.

Luyen Chou provided comments about the proposed false albacore management rule. He said he is a recreational angler from the New York area, but he is also the founder and CEO of the "Got One" app, which he said is a fish logging app for mobile phones that recreational anglers use to log their catches. Mr. Chou said they increasingly share all their data about recreationally caught fish, including discards, with agencies including NOAA and state agencies like North Carolina, Massachusetts DMF, and Louisiana Division of Wildlife and Fisheries. He spoke in support of the proposed false albacore rule and said he is happy to see these initiatives and proposals. As an angler and as CEO of "Got One", he said he sees firsthand how valuable false albacore are to the recreational fishing community. Mr. Chou said they are a highly prized fish for recreational anglers. He said this is particularly poignant to him this year because it comes on the heels of two years of great work that has been done by researchers from the New England Aquarium and the American Saltwater Guides Association (ASGA), which has determined false

albacore are a single stock that migrate along the coastline; they are not separate, independent stocks, which is something many people have wondered about for a long time. Mr. Chou said this year in particular, at least in New York and among the New England waters, was a very poor year for false albacore catches, with almost none recorded in the Montauk area, which is legendary for false albacore in the fall. He said there was less than a third of the false albacore catches logged in the "Got One" app compared to last year, even with fewer users. He said the time is now to take serious measures to manage this stock and he is appreciative that North Carolina is taking the lead on this.

Will Poston provided comments about the proposed false albacore management rule. He said he supports this action and, in general, precautionary proactive fishery management strategies. While working on fisheries policy with the American Saltwater Guides Association is his primary job, first and foremost he is a fisherman, outdoorsman, and conservationist. Mr. Poston said the Commission knows how important false albacore is to the state and the rest of the coast, the Commission has read comments and looked at the MRIP data, and has seen the amount of life, oftentimes inside the hook, during peak false albacore season. Mr. Poston has spent the last few falls chasing false albacore in New England but has also taken several trips down to North Carolina to get his false albacore fix. He said he wants the Commission to know that North Carolina has a world class fishery and destination for false albacore, or "trash fish" as many further south call them, which is an unfortunate label they have. Mr. Poston said without a doubt, North Carolina is wise to establish guardrails to protect the future of this fishery and to further preserve the opportunities false albacore provide for so many coastal communities. He said he can talk more about his own economic impacts, the joys of seeing friends catch their first, or coastal migration data from ASGA's false albacore project, but he will leave us with this: in this day and age of incredible fishing efficiency, advanced technologies, expanding coastal populations, and climate change's impacts on marine ecosystems, it is pretty crazy to think that there isn't any form of management for a species as important as false albacore. Mr. Poston said North Carolina deserves a great deal of credit for the leadership role they have taken in leading towards precautionary guardrail management for false albacore. He thanked the Division and the Commission for their work on false albacore and seeing the growing need to also look at Atlantic bonito.

Blane Chocklett provided comments about the proposed false albacore management rule. He said he lives in Troutville, Virginia, and is part of the ASGA team. He wants to thank North Carolina and the Commission for being proactive on this issue of management for false albacore. He has been in the fishing industry for over 30 years as a fishing guide, over 15 years as a retailer owning a fish and tackle store, an industry consultant, and an ambassador for some of the top brands in the fishing and outdoor industry, including: Patagonia, Yeti, Costa Sunglasses, and Scientific Anglers. Mr. Chocklett said he is also the Southeast region field editor for Fly Fisherman magazine, as well as an author and photographer, and currently owns and operates an international fly and tackle company. He said part of his livelihood over the years has been to travel and host fishing trips all over the world and nowhere that he has been is any more world class than the coast of North Carolina and its false albacore blitzes in the fall. He said he has hosted many trips here with lots of friends and clients, using many of the local guides, hotels, Airbnb's, as well as amazing restaurants. He spoke in favor of this regulation to help protect and support false albacore so his kids, grandkids, and their kids can see the amazing sights he has seen. Mr. Chocklett said the Crystal Coast is home away from home, and a special place he looks forward to coming back year after year. He said it's very important that we take this measure to protect these fish, so we can all see the future of the false albacore and make sure that they're protected for future generations.

Tony Friedrich provided comments about the proposed false albacore management rule. He said he is the president and policy director for the American Saltwater Guides Association. He thanked the state of North Carolina for taking the time to have this hearing and also taking the time to do this regulation. He said false albacore are just an incredible resource and species that attract anglers all the way up from Massachusetts and all the way down to Florida. He stated that the work that has been done to show how

fast they swim, how far they can range, and new things are being found out every day. Mr. Friedrich said that the Guides Association was pleased to find out that the state agency in North Carolina was considering these guardrail regulations to set the tone for the rest of the coast to appreciate this fish. He said there have been untold resources put into the sciences, as was previously mentioned with the New England Aquarium, and it is continuing with DNA research at Dr. Walt Golet's lab in Maine and Massachusetts's Division of Marine Fisheries. Mr. Friedrich said that in his job, he does not see state agencies working towards a common goal of proactive fisheries management very often, so a heartfelt thank you to the Commission and the Division. He said that the Guide's Association appreciates and supports this, and it is heartwarming to see a little bit of proactive management that can go a long way. He said it is better to start management before there is a crisis. He said false albacore provide an incredible economic engine off the coast of North Carolina, people come and spend untold dollars, and he does not want to see that end. He said the Guide's Association wants to be in this for the long haul with North Carolina and false albacore, so they are in full support and the Commission has their deepest thanks and appreciation for taking this step and being the leaders on the coast for these regulations.

Scott Davis provided comments about the proposed false albacore management rule. He said he is from Charleston, South Carolina, and is a former guide and fly shop owner, and also works for the American Saltwater Guides Association here in the state. Mr. Davis said he is a hundred percent behind false albacore management due to the economic importance for the businesses along the Atlantic coast. He said that he wants to emphasize what Tony Friedrich said, and he is very appreciative the Commission is taking the time to take a look at this.

Capt. Terry Nugent provided comments about the proposed false albacore management rule and the proposed Interstate Wildlife Violator Compact rules. Capt. Nugent said he represents Riptide charters as a light tackle guide, he has been doing so for 26 years, both up on Cape Cod and currently here in Morehead City. He said every year he comes down here, rents a house for two months and entertains clients, several hundred every year, whose primary goal is to utilize the amazing false albacore fishery. He said he has worked hand-in-hand with many of the prior speakers, Tony Friedrich and Will Poston, and would like to echo their sentiment. He said the economic benefit cannot be understated, his clients come down, they love the local restaurants, they fly and utilize the airports and car services. He said the fishery is fantastic. Capt. Nugent said he is currently here working with Tony Friedrich, Will Poston, and with the New England Aquarium doing the tagging. He said his clients just love it here, and he wants to make sure that the fishery continues. He said on a completely unrelated note, he did 20 years as a state trooper, so he loved the idea of the Interstate Wildlife Violator Compact and North Carolina joining with other states. Capt. Nugent said he had no intention of speaking on the compact, but after listening to the briefing on it, he thinks it is a fantastic plan and would like to throw his support behind it as well. He said he thanks the Commission for the proactive support; he hears that some of the other states may be joining with their regulations. He said he hopes other states up and down the East Coast have the same foresight and proactive response.

Nick Jones provided comments about the proposed false albacore management rule. He said he is a recreational angler and is commenting in support of the proposed rule for false albacore. He said he is truly excited to see North Carolina's leadership in proposing this rule, which is honestly an overdue measure that is going to allow for sustainable false albacore management. He said the species is integral to our coastal ecosystems and economy and provides invaluable recreational experiences for anglers of all ages. Mr. Jones said, given its rising popularity among anglers and lack of management, he strongly supports giving the fisheries director the authority to enact regulations based on the landing thresholds. He said this measure is going to ensure that false albacore populations remain healthy, setting a crucial precedent for all the other Atlantic states to follow. He said he urges the Commission to adopt this rule for this valuable species for future generations and he really commends what the Commission is doing.

Joseph Harris provided comments about the proposed false albacore management rule. He said he is a recreational angler and wanted to voice his support for the false albacore management plan. He said false albacore is a fishery that is dear to his heart. Mr. Harris said he has already been in North Carolina eight days this year; he is visiting this weekend and will be continuing to visit through the month of December. He said he appreciates the work and to carry on.

John Mauser provided comments about the proposed false albacore management rule. He said he runs Tailing Tide Guide Service and fishes from Swansboro to the Cape Lookout area. He said on average he is running about 200 charters per year. He said each year, from late September through the end of November, about 100 percent of the charters are false albacore with flying light tackle. He said those 60 days straight of fishing accounts for about 40 percent of his income. Mr. Mauser said he has anglers from as far as Canada, California, Texas, and Washington state that fish with him. He said the clients he is currently fishing with are from Washington state and they are staying for two months, renting a house in Beaufort, paying for rental cars, restaurants, grocery stores, and their wives are shopping. He said there is so much money that the clients are putting into the community during the fall because of this one species of fish, when our tourists have gone home. He said he would guess the average angler spends anywhere from \$1,000 to \$1,300 per day in our coastal communities from Nags Head to Wilmington while they are here to buy everything. Mr. Mauser said then you multiply that by two or three anglers per boat, 60 days a year in the fall, and all the false albacore guides from Nags Head to Cape Lookout to Wilmington, it really starts to add up. He said it is a big deal for him as a guide and the communities here on the coast that we have these fish here. He said beyond the financial importance of the fish, they are just an amazing species. He said he has been fishing for almost 40 years on the coast of North Carolina and has seen so many issues over the years, including flounder, striped bass, and speckled trout stock issues being depleted, coming back, and being depleted again. He said he loves that the Commission is being proactive with the false albacore to put these guardrail regulations in place. Mr. Mauser said he likes that the regulations do not hurt anybody, whether it is a commercial fisherman who is currently fishing for them, a fishing guide or recreational angler. He said the regulation gives space for the false albacore to grow, and if anglers want to harvest fish, that is fine, but it protects from some type of catastrophic event that could happen in the future. He said he does not think there is a better way to regulate false albacore than what the Commission is doing, and he just wants to applaud the Commission for being leaders as far as this goes, no other state has done this yet. He said he appreciates the Commission for considering this and he hopes to see the dominoes continue to fall and it go through. Mr. Mauser said he is looking forward to his kids, grandkids, and lots of future generations being able to continue to fish for these absolutely amazing fish that anglers love so much.

Peter Jenkins provided comments about the proposed false albacore management rule. He said he owns Saltwater Edge in Rhode Island and is chairman of the American Saltwater Guides Association. He said he is in support of the false albacore measures that have been discussed. He said he has traveled to Harker's Island three times over the last decade. Mr. Jenkins said false albacore is truly a remarkable fishery, and an important fishery in the Northeast. He said there is a unique opportunity in fisheries management, in that North Carolina can initiate management with the data provided by the Guides Association, demonstrating a coast wide stock. He said he works in the recreational fishing industry in Rhode Island and false albacore has become a key piece of his business, even more with the decline in other fisheries. He said most recreational anglers do not care to keep false albacore. He said he would love to see what abundance in the fishery can do for the growth of the recreational fishing industry and the revenue it brings to small businesses like fishing guides and tackle shops. He said he thinks it is notable hearing what others said about the economic contribution false albacore makes locally when people travel. Mr. Jenkins said thank you to North Carolina for providing science-based, proactive guardrail management for an extremely important recreational game fish for him personally, his business, and for his customers.

Todd Treonze provided comments about the proposed false albacore management rule. He said thank you to the Commission and the state of North Carolina for looking at false albacore management. He said he is a recreational angler based in Newport, Rhode Island, he owns a fishing apparel company by the name of Hook Gear, and he is a freelance writer for the New England publication of Fisherman magazine. He said he wrote an article that was the cover article in February of this year focusing on his experiences over the last six years fishing the Harkers Island area with Capt. Nugent. He said this is truly a world class fishery. Mr. Treonze said he has experienced things in North Carolina that he can only dream of seeing in New England when the fish migrate, and he wants to be able to see them continue to migrate for years to come. He said he is truly appreciative of North Carolina for taking this leadership stance in false albacore management, and he really hopes this sets precedence and will translate to the northern states as well. He said this stock of fish, as we know now, is one stock of fish that migrate. He said that when the false albacore start to show up, his life changes for two months until they go back south, and he looks forward to his time. Mr. Treonze said he was flying to North Carolina the following Friday to spend a long weekend with Capt. Nugent. He said he looks forward to bringing his friends and family to North Carolina to enjoy the experiences that are offered, and he wants to see that last for years to come. He said he is in full support of any efforts that can be taken to protect this near and dear species as long as possible.

David Blinken provided comments about the proposed false albacore management rule. He said he has been guiding for over 30 years on the east end of Long Island, and he fully supports the measures North Carolina has proposed and the leadership role in this issue. He said the false albacore represent a very important part of Long Island's fishery, and without them business is lost, a great part of the fall business is based upon people coming to fish for false albacore. He said the attraction of the false albacore is vastly important, the fight and the frenetic feeds all contribute to an exciting experience and its popularity as a game fish. Mr. Blinken said the preservation of the false albacore, both as a game fish, and a forage fish is vitally important. He said the loss of this vital fish would have lasting economic impacts up and down the coast for light tackle guides like him. He said it is clear false albacore numbers are already dropping, so it is critically important to put in the proposed measures. He said he echoes everything said by Tony Friedrich, Luyen Chou, Blane Chocklett, Peter Jenkins, and everybody else who had spoken. He said he is in favor of the proposed measures and is looking forward to seeing them go through.

Capt. Brian Kelly provided comments about the proposed false albacore management rule. He said he is in support of false albacore management, to put in place slot sizes, to protect year classes, and to have a sustainable fishery for both commercial and recreational demands. He said he is a guide for false albacore from the middle of August to the end of October on Cape Cod, and it makes up about 50 percent of his guiding calendar which stems from May to the end of October. Capt. Kelly said it is the highest demand inquiry he gets, he has anglers come in from all throughout the coast and world to fish for false albacore, as far as Ireland. He said he wants to thank the Commission for putting these measures in place and foreseeing this issue, and he is in full support.

Cody Rubner provided comments about the proposed false albacore management rule. He said he is a guide on the East Coast of Florida and the director of communications for the American Saltwater Guides Association (ASGA). He said on behalf of ASGA, the guides, recreational anglers, and businesses that are represented, he would like to express strong support for North Carolina's proactive rulemaking efforts to establish guardrail management for false albacore. He said he echoes every sentiment that has been heard so far and wants to touch on two things. He said, regarding the false albacore project, when a massive multi-year research project is launched, it requires a lot of manpower investment and financial investment. Mr. Rubner said the ASGA team was anxious about the project's longevity and potential, but right away dozens of large industry brands jumped on, brands that are extremely intentional with their brand decisions and that represent hundreds of millions of dollars. He said the brands were excited to jump on because they saw the value for their communities. He said not only do the false albacore support

guides and local businesses, they also support national industry at scale. Mr. Rubner said the false albacore have a cult following from all the guides, anglers, and shop owners who have first-hand experience. He said a prime example is that the ASGA made a hat to hopefully offset the cost of a couple tags. He said the hat was launched one day, and the next day a hundred of them sold out in 24 hours. He said people really love, live, and breathe chasing the false albacore. He said one extra sentiment, as a 30-year-old guide who is actively involved in fisheries conversations up and down the East Coast, almost every one is within the context of negativity. Mr. Rubner said things are in a bad place and the Commission has tough decisions to make to try and get the fisheries back on track. He said it is really exciting to participate in a positive environment and the Commission should not underestimate what this decision represents. He said this is more than just guardrails for false albacore in North Carolina, it is a remarkable shift in the outdated mindset that we do not have to wait to conserve things until there are barely any left.

Eddie Nickens provided comments about the proposed false albacore management rule. He said he is from Raleigh, North Carolina, a rare native North Carolinian. He said he is not speaking for any organization, but as the owner of a house in Morehead City that he frequents on occasion. He said he is a freelance journalist and has been writing about North Carolina's natural treasures for 40 years. Mr. Nickens said he is an editor at large for Field and Stream, a contributing editor for Garden & Gun, a contributing editor for Ducks Unlimited, and he writes a column for the state magazine called Ramblin' Man in which he has extolled the beauty of the coast and the awesomeness of false albacore. He said as of January 2025, he will be the editor of Tail magazine, which is the only print magazine dedicated to saltwater fly fishing in the world. He said he is only able to do all this because he lives, grew up, and works in North Carolina and is able to utilize the resources that North Carolina has. He said whenever he speaks at events or author signings around the country, people ask him one question at the end, and that is if he could only go one place, where would it be? He said his answer is very disappointing because it is always to stay at home in November so he could chase the false albacore. He said there is nothing like these fish, and there is nothing like North Carolina in the fall with the false albacore. Mr. Nickens said there is no comparable accretion of joy and happiness that he has seen in the sporting world, and he is so thankful that North Carolina is taking the time and taking the leadership to step out and say we are blessed to have a good thing, and we are going to do everything we can to not mess this up. He said beyond what has already been heard about how wonderful these fish are and this notion of the economic impact, he wanted to point out an observation. He said the University of Miami recently did a study, an economic analysis that on average, based on estimated population of bonefish, every single bonefish in Florida returns \$3,500 a year to the local economy, every bonefish is worth \$75,000 over its life returned to the local economy. He said bonefish and false albacore is comparing apples to apricots; false albacore is a far superior fish. He said when you are at Cape Lookout and looking over that hook, there is \$60,000, \$70,000, \$80,000 of economic impact every single day of the false albacore season, then multiply that up and down the coast. He said North Carolina has been given a jewel, a gift, a rarity that is a winner on every part of the spectrum, from the joy it brings people to the economics that it brings back to our guides and their families. He said after reading that economic analysis, he holds a false albacore and knows this is a fish that is putting a kid through college or paying rent despite all the joy it gives. Mr. Nickens said this is a fish that North Carolina has the opportunity to take the lead on and he appreciates what the Commission is doing.

Michael Hogan provided comments about the proposed false albacore management rule. He said he is the founder and CEO of Hogy Lure Company, and he is here representing the company and also as an angler. He said he is in deep support of North Carolina's proactive management of false albacore; he is a fellow false albacore addict and echoes the sentiment of everyone who had previously spoken. He said he repeatedly has traveled down to North Carolina for false albacore and just had the conversation with Capt. Terry Nugent about coming down to film some false albacore fishing. He said false albacore easily account for 30 percent of sales throughout the Northeast and Mid-Atlantic; his company sells to a wide

range of retailers from private shops to big box stores, a meaningful number of which are in North Carolina. Mr. Hogan said he could track the false albacore migration with weekly sales reports by state. He said his company works closely with charter boat captains and from first-hand conversations, false albacore represents an equally big portion of charter revenue and their overall businesses. He said a lot of the pro staff captains headquartered in Massachusetts regularly travel to North Carolina to chase these awesome fish. He said that anglers, guides, and businesses all deeply care about these fish and future generations' ability to chase them. Mr. Hogan said he attended ASGA's Science Symposium for industry insiders earlier this year, and the entire auditorium was filled wall to wall with business owners, guides, and fishing-related brands from across the country, all eager to learn more about ASGA's contributions to false albacore science and understanding. He said it was a truly uplifting event just knowing how many business owners out there are as passionate as he is. Mr. Hogan said there is real opportunity to ensure that false albacore continue to thrive, supporting businesses and all the communities that rely on them throughout the whole coast, and he thanked the Commission for the leadership about this proactive management.

Kevin Prather provided comments about the proposed false albacore management rule. He said he is a recreational angler currently in Texas, once in North Carolina. He said he is very proud to be part of the hearing and very proud that North Carolina is holding this space and considering a very proactive, evidence-based measure that will have an impact up and down the coast. He said the writing is on the wall that something needs to be done with false albacore, as well as other species. He said the impact up and down the coast is so important, and it is great seeing folks from all over the place come and voice their support, there is such a strong community behind this. He said he has never met Blane Chocklett but fishes his flies, he has never met Luyen Chou but is familiar with the "Got One" app, and he has never met Captain Mauser but has e-mailed him about podcast episodes. He said he is sitting at his tying bench, tying flies he learned to tie from a YouTube video of Scotty Davis, but he has never met any of these folks. Mr. Prather said this is a very strong, passionate community; the culture behind false albacore in North Carolina and the history goes back decades and decades. He said the country is watching and he is very proud of what is going on here. He said he can talk about the economic impact and what it means to him personally, but at the end of the day, it is the right thing to begin living as part of this planet instead of just simply extracting resources from it.

Dan Holmes provided comments about the proposed false albacore management rule. He said he is an avid angler and guide out on Nantucket Island, and the false albacore is paramount to the fishery there. He said with the concern of the striped bass, false albacore is really keeping things going. He said he is in full support, and measures for any fish are crucial. He said false albacore particularly are up and coming with a lot of attention, more and more every year. Mr. Holmes said he really appreciates everyone from the Commission and Division getting ahead of this, he is in full support and is looking forward to the benefits of these actions.

Jack Cushman attended the public hearing and requested to speak, but he experienced technical problems and was unable to deliver his comments. DMF staff encouraged him to submit his comments in writing by the stated deadline.

Hearing no further public comments on the proposed rules, Commissioner Hobgood closed the hearing at 6:50 p.m.

/cb/cs

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 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.*