



NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice **with** a scheduled hearing
 Notice without a scheduled hearing
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION

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

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION:
- AMENDMENT: 15A NCAC 03M .0101
- REPEAL:
- READOPTION with substantive changes: 15A NCAC 18A .0911
- READOPTION without substantive changes:
- REPEAL through READOPTION:

4. Proposed effective date: May 1, 2023

5. Is a public hearing planned? Yes No

If yes: **Public Hearing date:** Tuesday, Nov. 1, 2022

Public Hearing time: 6 p.m.

Public Hearing location: WebEx Events meeting link:

<https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e18e682448138378a2107f624ed6aad80>

Event number: 2435 343 7920 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

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing: N/A

7. Explain Reason For Proposed Rule(s):

Rule 15A NCAC 03M .0101 is proposed for amendment to provide flexibility to manage variable conditions for the use of finfish as cut bait by simplifying the rule such that only species subject to a possession limit are subject to the requirements unless otherwise specified in a Marine Fisheries Commission rule or a proclamation issued under the authority of a Marine Fisheries Commission rule. In accordance with G.S. 150B-21.3A, Rule 15A NCAC 18A .0911 is proposed for amendment to help ensure that North Carolina remains in full compliance with national requirements so that N.C. shellfish can continue to be sold through interstate commerce; allow the Division of Marine Fisheries to determine necessary buffer closures for shellfish growing waters in and around marinas based on a more scientific and public health-based rationale; and make implementation and enforceability of requirements clearer.

8. 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.

Rule(s) is automatically subject to legislative review. Cite statutory reference: S.L. 2019-198: 15A NCAC 03M .0101

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: CATHERINE BLUM

Address: 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>.

Phone (optional): N/A

Fax (optional): N/A

E-Mail (optional): N/A

10. Comment Period Ends: Dec. 2, 2022

11. 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

12. Rule-making Coordinator: JENNIFER EVERETT

Phone: 919-707-8614

E-Mail: JENNIFER.EVERETT@NCDENR.GOV

Additional agency contact, if any: CATHERINE BLUM

Phone: 252-726-7021

E-mail: CATHERINE.BLUM@NCDENR.GOV

13. The Agency formally proposed the text of this rule(s) on

Date: Aug. 18, 2022

14. Signature of Agency Head* or Rule-making Coordinator:

Typed Name: JENNIFER EVERETT
Title: RULEMAKING COORDINATOR

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*