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, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 15. If a hearing is scheduled, complete block 6.**
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NORTH CAROLINA MARINE FISHERIES COMMISSION

2. Agency obtained G.S. 150B-19.1 certification:
☒ **OSBM certified on:** AUGUST 3, AUGUST 9, AUGUST 20, AND OCTOBER 25, 2012
☐ **RRC certified on:**
☐ **Not Required**

3. Agency website postings:
- **Text of proposed rule posted at:** http://portal.ncdenr.org/web/mf/mfc-proposed-rules-links
- **Explanation and reason for proposed rule posted at:** http://portal.ncdenr.org/web/mf/mfc-proposed-rules-links
- **Federal Certification posted at:** N/A
- **Instructions for oral and written comments posted at:** http://portal.ncdenr.org/web/mf/mfc-proposed-rules-links
- **Fiscal Note if prepared posted at:** http://www.osbm.state.nc.us/files/pdf_files/DENR08032012.pdf, http://www.osbm.state.nc.us/files/pdf_files/DENR08032012_2.pdf, http://www.osbm.state.nc.us/files/pdf_files/DENR08092012.pdf, http://www.osbm.state.nc.us/files/pdf_files/DENR08202012.pdf, AND http://www.osbm.state.nc.us/files/pdf_files/DENR10252012.pdf

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

☐ **ADOPTION:**
☒ **AMENDMENT:** 15A NCAC 03I .0114, 03J .0209, 03L .0105, 03M .0201, .0202, 03Q .0202, 03R .0112, .0201
☐ **REPEAL:**

5. Proposed effective date: MAY 1, 2013

6. Is a public hearing planned? ☒ **Yes** ☐ **No**

If yes: **Public Hearing date:** TUESDAY, JANUARY 15, 2013
Public Hearing time: 6:00 P.M.
Public Hearing Location: DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES WASHINGTON REGIONAL OFFICE, 943 WASHINGTON SQUARE MALL, WASHINGTON, NC 27889

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

8. Explain Reason For Proposed Rule(s): SEE ATTACHMENT

9. The procedure by which a person can object to the agency on a proposed rule:

OBJECTIONS SHALL BE SUBMITTED IN WRITING TO CATHERINE BLUM, RULEMAKING COORDINATOR, N.C. DIVISION OF MARINE FISHERIES, P.O. BOX 769, MOREHEAD CITY, NC 28557; FAX 252-726-0254; EMAIL CATHERINE.BLUM@NCDENR.GOV . EXPLAIN THE REASONS FOR OBJECTION AND SPECIFY THE PORTION OF THE RULE TO WHICH THE OBJECTION IS BEING MADE.

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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

10. The person to whom written comments may be submitted on the proposed rule:
Name: CATHERINE BLUM
Address: P.O. BOX 769
MOREHEAD CITY, NC 28557

Phone (optional): 252-808-8014
Fax (optional): 252-726-0254
E-Mail (optional): CATHERINE.BLUM@NCDENR.GOV

11. Comment Period Ends: FRIDAY, FEBRUARY 15, 2013

12. Fiscal impact (check all that apply).
If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☒ **State funds affected** (15A NCAC 03I .0114, 03L .0105)
- ☐ **Environmental permitting of DOT affected**
  Analysis submitted to Board of Transportation
- ☐ **Local funds affected**
  Date submitted to OSBM:
- ☐ **Substantial economic impact (≥$500,000)**
- ☒ **Approved by OSBM** (ALL EIGHT PROPOSED RULES)
- ☐ **No fiscal note required by G.S. 150B-21.4**

13. Rule-making Coordinator: JENNIFER EVERETT

Address: 1601 MAIL SERVICE CENTER
RALEIGH, NC 27699-1601

Phone: 919-707-8614
E-Mail: JENNIFER.EVERETT@NCDENR.GOV

Agency contact, if any: CATHERINE BLUM

Phone: 252-808-8014

E-mail: CATHERINE.BLUM@NCDENR.GOV

14. The Agency formally proposed the text of this rule(s) on
Date: AUGUST 23 AND NOVEMBER 8, 2012

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

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

Typed Name: JENNIFER EVERETT

Title: RULEMAKING COORDINATOR