

Rule Analysis

Fiscal Impacts of Proposed Repeal of Rule 15A NCAC 03M .0504

SPOTTED SEA TROUT RULE REPEAL

Marine Fisheries Commission (MFC)

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Impact Summary: State government: No
Local Government: No
Substantial Impact: No

Repeal existing rule and regulate spotted sea trout via proclamation authority in existing rule.

Purpose of Rules

This rule (see rule text below) is proposed for repeal to eliminate an unnecessary rule and continue to provide flexibility for making adjustments in size and harvest limits in the spotted seatrout fishery. These adjustments have been made since 2009 through Rule 15A NCAC 03M .0512, which gives the Fisheries Director the authority to issue proclamations to effect management measures in state or federal fishery management plans. The N.C. Spotted Seatrout Fishery Management Plan (FMP) is currently under development.

The N.C. Division of Marine Fisheries (DMF) proposes an adaptive management framework for sustainable harvest in the spotted sea trout fishery. Given the uncertainty in the actual level of harvest reductions that will be realized once measures are put in place, and the continuing evolution of fishing restrictions stemming from the Endangered Species Act, the DMF may consider new information brought forward and revise the Spotted Seatrout FMP sustainability measures accordingly. To avoid continual change to the rule addressing minimum size, it is proposed that rule 15A NCAC 03M .0504 be repealed. Currently, the rule is suspended and a 14-inch minimum size limit has been recommended by the MFC and implemented by the Fisheries Director as an interim measure using existing proclamation authority.

Basic Economic Impact

There is not an expected economic impact associated with the repeal of this rule. The rule has been suspended since September 2009 and spotted sea trout are being regulated under existing proclamation authority.

Benefits

The proposed repeal of the rule would continue to allow for better management of the spotted sea trout fishery and population by providing more flexible means of regulation. It would also aid in the clarity of fishing regulations by removing an unnecessary rule.

Costs

There are no costs associated with the repeal of this rule, as the rule has already been suspended.

Substantial Impact Declaration

The proposed rule change does not have a substantial economic impact.

Proposed Rule Change

15A NCAC 03M .0504 TROUT

~~(a) It is unlawful to possess spotted seatrout (speckled trout) less than 12 inches total length.~~

~~(b) It is unlawful to possess more than 10 spotted seatrout per person per day taken by hook and line or for recreational purposes.~~

Authority G.S. 113-134; 113-182; 113-221; 143B-289.52