

Fiscal Impact Analysis of Proposed Interstate Wildlife Violator Compact Rules

Rule Proposal: Adoption of 15A NCAC 03O .0601-.0606

Name of Commission: N.C. Marine Fisheries Commission

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Impact Summary: State government: Yes
Local government: Yes
Federal government: No
Substantial impact: No

AUTHORITY

N.C. General Statutes

G.S. § 113-134.	Rules.
G.S. § 113-174.	Definitions.
G.S. § 113-182.	Regulation of fishing and fisheries.
G.S. § 113-300.5.	Short title.
G.S. § 113-300.6.	Governor to execute compact; form of compact.
G.S. § 113-300.7.	Appointment of Compact Administrator; implementation; rules; amendments.
G.S. § 113-300.8.	Violations.
G.S. § 143B-289.52.	Marine Fisheries Commission – powers and duties.
S.L. 2008-120.	AN ACT TO ENACT THE INTERSTATE WILDLIFE VIOLATOR COMPACT IN NORTH CAROLINA.
S.L. 2009-15.	AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Necessity: The N.C. General Assembly enacted the Interstate Wildlife Violator Compact (WVC) (Article 22B) in statute 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.

I. Summary

The Interstate Wildlife Violator Compact, also referred to as the "WVC" or "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 Compact has been enacted into state law, so it must be implemented and enforced. Article 22B of Chapter 113 includes General Statute 113-300.7, which requires the WRC and the MFC to adopt rules necessary to carry out the purpose of the Compact.

Adoption of MFC rule in compliance with the WVC will have two primary benefits: the first is the reciprocal recognition of license suspensions and the second is enhanced flexibility when dealing with non-resident violators.

II. Introduction and Purpose of Rule Proposal

The WVC 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 WVC has been enacted into state law, so it must be implemented and enforced.

It is important to note that several terms in the WVC have definitions that differ from those found elsewhere in North Carolina. For the WVC, "wildlife" includes marine and estuarine resources, whereas G.S. 113-129(16) excludes marine and estuarine species. Likewise, suspension references include not just suspensions, but also any revocation, denial, withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license or permit. Another term defined in the WVC is "party state", which means any state that enacts legislation to become a member of the WVC. The use of "member state" throughout this paper and its proposed rules is intended to have the same meaning.

The WVC has a set of bylaws and an operations manual (see <http://www.deq.nc.gov/wildlifeviolatorcompact>). The WVC Operations Manual states the concept of a wildlife violator compact was first advanced in the early 1980s by western states discussing the format of existing documents related to motor vehicle operator licensing and enforcement. During the 1989 legislative session, compact legislation was passed into law in Colorado, Nevada, and Oregon. These three states formed the nucleus for the development of the operational

procedures of the WVC. As of 2024, the WVC has 49 member states, with Hawaii in the process of joining the WVC; Massachusetts is working to implement the WVC. The Manual provides the original 1989 legislative text, which is similar to the N.C. legislation. The Manual also addresses procedural and administrative matters and describes the compact process.

The WVC Bylaws provide that each state shall have a representative appointed by the Chief of Law Enforcement or the licensing authority in the participating state. For North Carolina this role would be appointed by the chair of the WRC with consultation from the chair of the MFC and the Fisheries Director. Each state or province shall have one vote in matters affecting the WVC and that vote shall be in person. There shall be an annual meeting conducted in conjunction with the fall meeting of the Association of Fish and Wildlife Agencies. The WVC shall vote annually to elect a Chair, Vice-chair, and Secretary. Officers shall serve no more than three consecutive terms. The board shall formulate necessary procedures for the administration of the WVC and develop uniform forms and data formats for transmittal of compact information. These procedures are consistent with the N.C. legislation, specifically G.S. 113-300.6 Article VII.

After the N.C. General Assembly agreed to enter the WVC, there were a number of concerns about implementation by the DMF. The first was how a suspension from recreational activities would affect a commercial license holder; specifically, whether commercial licenses would be considered at all and if the DMF and MFC could opt out of the WVC (D. Lupton, NCDMF (retired), personal communication). Additional concerns were that charging language or violations are different from one state to another and may be difficult to apply in North Carolina. DMF staff reached back to lawmakers for clarity, but it is unclear if the DMF received a response (J. Kelley, NCDMF (retired), personal communication). Additionally, the WRC had to enact their rules before the MFC could enact theirs, consistent with the legislation (D. Lupton, NCDMF (retired), personal communication).

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 provide more opportunity and flexibility for N.C. Marine Patrol officers to treat non-residents as they would an N.C. resident. 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. In other words, adoption of MFC WVC rules would result in the N.C. Marine Patrol being able to treat all wildlife violators equally, regardless of their state residency.

WRC adopted rules to implement the WVC that became effective August 1, 2017 (15A NCAC 10A .1401-.1406). These six rules codified requirements to ratify suspensions from other member states, report suspensions to the WVC, send notices to those affected, and to give guidance on how to rectify or appeal suspensions to those affected. Per G.S. § 113-300.7, the WVC administrator is to be appointed by the chair of the WRC in consultation with the chair of the MFC and DMF director. The WVC administrator for North Carolina serves at the pleasure of the WRC chair.

There are several terms used in reference to the WVC that are helpful for DMF and MFC stakeholders to understand. Many of these terms are defined or referred to in G.S. § 113-300.6.

- "Wildlife" includes all species of animals that are protected or regulated by the WRC, MFC or DMF. This includes marine and estuarine species, e.g., fish. This differs from the definition of "Wildlife" in G.S. § 113-129(16), which excludes marine and estuarine species.
- "Wildlife violation" means any cited violation of a law or rule enacted or adopted to manage wildlife resources.
- A wildlife violation conviction can result in a product suspension, which for DMF and MFC stakeholders refers to the suspension or revocation of a commercial or recreational fishing license or permit for which the DMF has enforcement authority. Suspension of recreational fishing licenses or permits can include a Coastal Recreational Fishing License ("CRFL") or a Recreational Commercial Gear License ("RCGL") under the MFC's authority but sold by the WRC. A wildlife violation can also result in the loss of the privilege to obtain a fishing license or permit.
- Ratification under the WVC for DMF and MFC stakeholders means for DMF to recognize a violation and subsequent product suspension from another WVC member state by applying equivalent consequences to fishing privileges in N.C. marine and estuarine waters. Technically, the DMF would only be ratifying a product suspension, not also the violation or violations that led to a product suspension.
- "Personal recognizance" means an agreement by a person made at the issuance of a wildlife citation that the person will comply with the terms of that citation. For example, the terms may include appearing before a judge at a later time and/or paying a fine.
- Failure to appear refers to a person that did not comply with the terms of their citation; for example, a person that did not pay their fine ahead of time or appear for their court date in front of the judge.
- Failure to comply refers to a person that did not comply with the terms of their citation or judgment; for example, a person that did not pay their fine on or after their court appearance, or did not complete all of their community service hours, serve time, or comply with their probation, etc.

Although the WRC's rules have been in place since 2017, efforts to develop proposed MFC rules and processes to enact the WVC have moved slowly as DMF staff have worked to address the concerns described above. Currently, with the WRC actively participating in the WVC but the MFC and DMF not participating, the DMF has no voice or knowledge of suspensions being ratified or entered by the WRC on behalf of North Carolina. At a minimum, by the MFC adopting rules and the DMF joining the WVC, the DMF would have the ability to enter suspensions and to gain knowledge of wildlife violators that have product suspensions (i.e., licenses and permits) so that N.C. Marine Patrol officers could act to address those violations. Currently, the WRC colonel is the WVC administrator for North Carolina, so the DMF would have to rely on the WRC to coordinate the process of ratifying violations under the WVC. The DMF Marine Patrol staff have begun discussions to develop internal processes with the WRC enforcement staff on ways to do this as efficiently as possible.

Table 1 provides examples of wildlife violations (including all species of animals that are protected or regulated by the DMF and the MFC) to help demonstrate some of the advantages of the MFC complying with the legislative mandate to participate in the WVC.

Table 1. Examples of wildlife violations and subsequent suspensions with and without the DMF and MFC's participation in the WVC.

Wildlife violation type leading to suspension ratified in WVC	Without DMF/MFC participation in WVC	With DMF/MFC participation in WVC
Citizen of another state convicted of fishing violation outside of North Carolina and receives saltwater license suspension (all saltwater products)	No mechanism for N.C. Marine Patrol to even be notified if WRC ratifies the commercial and recreational license suspension	Mechanism in place for N.C. Marine Patrol to coordinate with the WRC about a decision to ratify the commercial and recreational license suspension
Citizen of another state convicted of fishing violation in North Carolina	No mechanism for N.C. Marine Patrol to avoid arresting/bonding of wildlife violator	Mechanism in place to release that citizen on personal recognizance to comply with the terms of their citation after the fact
N.C. citizen that is a N.C. licensed commercial fisherman convicted of fishing violation (commercial or recreational) outside of North Carolina and receives suspension of all fishing licenses	No mechanism for N.C. Marine Patrol to even be notified if WRC ratifies commercial and recreational license suspension	Mechanism in place for N.C. Marine Patrol to coordinate with the WRC about decision to ratify commercial and recreational license suspension
Review of all violation types leading to suspensions ratified in WVC	No additional administrative burden to DMF staff	Additional administrative burden to DMF staff

The WVC provides for flexibility in addressing differences in charging language or violations in other states and how to apply them in North Carolina and impacts to N.C. commercial license holders. The WVC provides a member state with latitude to apply suspensions only for similar offenses/license types, providing consideration for the variability for in-state charging penalties. As suspensions from member states are entered into the WVC database, they would be ratified or not ratified by the DMF based upon the similarity of the offense/license type as related to N.C. statute or rule, but the term of suspension would be set by the out-of-state jurisdiction. For example, if another member state entered a violation and subsequent saltwater license suspension of one year in the WVC, if the offense/license type as related to N.C. statute or rule was similar, the suspension for the other state would be ratified in North Carolina and the one-year suspension would be recognized for that person's N.C. marine and estuarine licenses and permits. For the inverse scenario, N.C. suspensions that are entered into the WVC would be reviewed by other member states as to the fit or similarity of a state's current statutes or rules, and member states would decide to ratify the N.C. suspension or not.

Violations charged by N.C. Marine Patrol officers span a range of levels depending on the violation and license type involved.

- G.S. 14-1. Felonies and misdemeanors defined. A felony is a crime which: (1) Was a felony at common law; (2) Is or may be punishable by death; (3) Is or may be punishable by imprisonment in the State's prison; or (4) Is denominated as a felony by statute. Any other crime is a misdemeanor.
- Misdemeanors (G.S. 14-3):
 - Class A1 misdemeanors carry a maximum sentence of 150 days in jail and a fine in an amount determined by the court.
 - The maximum penalty for a Class 1 misdemeanor is 120 days in jail and a fine in an amount determined by the court.
 - Class 2 misdemeanors carry up to 60 days in jail and a maximum fine of \$1,000.
 - A person convicted of a Class 3 misdemeanor faces up to 20 days' jail time and a \$200 fine.
- G.S. 14-3.1. Infraction defined; sanctions. (a) An infraction is a noncriminal violation of law not punishable by imprisonment. Unless otherwise provided by law, the sanction for a person found responsible for an infraction is a penalty of not more than one hundred dollars (\$100.00). The proceeds of penalties for infractions are payable to the county in which the infraction occurred for the use of the public schools. (b) The procedure for disposition of infractions is as provided in Article 66 of Chapter 15A of the General Statutes.

There are four levels of misdemeanor violations. Most marine fisheries-related violations are charged as a Class 3 misdemeanor under G.S. § 113-135; although repeat offenses are elevated to a Class 2 misdemeanor, while Coastal Recreational Fishing License violations under G.S. § 113-174.1(a) are charged as infractions. Some more serious violations are charged as A1 misdemeanors under G.S. § 113-187, including those that pose a risk to public health, such as commercial harvesting of shellfish from polluted waters, or directly damaging natural resources, such as trawling in a primary nursery area. The most severe fisheries-related charge is taking or possessing shellfish from a polluted area at night or taking shellfish from polluted waters within two years of being convicted of that same offense, each of which is charged as a Class I felony.

As with criminal charges, a violation supporting the more severe charges also carries a longer suspension and varies based upon the license type involved. For instance, a commercial license holder using a trawl net in closed waters would be charged under G.S. 113-187 (more severe penalty, Class A1 Misdemeanor), but a holder of a Recreational Commercial Gear License would be charged under G.S. 113-135 (less severe penalty, Class 3 Misdemeanor). The example of taking shellfish from a polluted area further highlights the options for determining a penalty depending on the egregiousness of the offense. If a person was charged under G.S. § 113-135 for a first offense for recreational harvest, there would be no suspension; if a person was charged under G.S. § 113-187 for a first offense there would be a one-year suspension; and if a person was charged under G.S. § 113-209 (felony; taking polluted shellfish at night or with prior conviction) there would be a revocation.

Convictions like those described above would be entered into the WVC database. Member states would then be able to apply suspensions for similar offenses/license types, so another member state may or may not ratify this suspension example in the same way or at all. However, the length or severity of a suspension may vary from other jurisdictions so the DMF would ratify as entered as prescribed in G.S. § 300.6 Article I (b)(4) (for convictions against a person whose home state

was not the issuing state) and Article V (all member states recognizing the suspension by any other member state of a person's licenses and permits).

For a suspension for failure to appear or comply issued by a member state, the wildlife violator would have to comply with the suspending jurisdiction before North Carolina would reinstate their license. Most WRC suspensions are for a single violation and for that reason they only ratify certain suspensions that would result in a suspension in North Carolina. (A second offense within three years would be charged as a Class 2 misdemeanor and if convicted, that person would receive a license suspension.) In contrast, DMF subject matter-based convictions are cumulative and could result in a suspension if there was more than one conviction within three years.

III. Discussion

House Bill 105 established a clear mandate for the MFC to implement the WVC. The WRC has enacted rules to implement the WVC and is currently administering the Act for the State. Complying with this legislative mandate provides a wide range of benefits not only to the MFC and DMF, but also to the regulated public. Those benefits include:

- ensuring that N.C. residents issued citations in other jurisdictions can be released on personal recognizance like residents of member states;
- the ability to recognize reciprocal license suspensions, and suspensions for failure to appear in court or comply; and
- providing N.C. Marine Patrol officers with the flexibility to write non-resident violators a citation instead of arresting and bonding them.

It is not the current N.C. Marine Patrol policy to arrest all non-resident wildlife violators; officers would only arrest if they had reason to believe the wildlife violators would fail to appear in court or comply. But entering the WVC would give N.C. Marine Patrol officers increased confidence by knowing that if a wildlife violator does fail to appear in court there is recourse for the wildlife violator's license to be suspended in their home state. Agency benefits include:

- more time for patrol and less time processing wildlife violators;
- reduced burden on courts and jail facilities;
- improved public relations by not having to subject as many wildlife violators to bonding and incarceration;
- reduced failure to appear and non-compliance cases; and
- notice to wildlife violators that activities in any single member state can affect their privileges in all member states.

With the adoption of these rules by the MFC, the DMF would join the WRC in a reciprocal agreement representing 49 states to promote compliance with the statutes, laws, and rules/regulations relating to management of wildlife resources (including all species of animals that are protected or regulated by the DMF and the MFC). Suspensions that are entered into the WVC database by other states already impact Coastal Recreational Fishing Licenses (CRFL) because of the way most WRC licenses are packaged, such as sportsman's licenses or inland/coastal combinations. There are also instances of cross-agency suspensions when another member state suspends all products, and the WRC ratifies as such. The WRC could ratify a coastal/saltwater suspension or an all-product suspension (including commercial products) from

another state that would trigger the suspension of a person's North Carolina coastal/saltwater products. This is problematic, as there is currently no mechanism by which DMF staff would be notified of the suspensions WRC would be ratifying. Conversely, a suspension that is warranted may not be ratified as the WRC may be unfamiliar with the charging or suspending language and license types, as WRC staff do not have access to the DMF database (Fisheries Information Network, or FIN) of commercial products a person possesses. Implementing the WVC would be the first step towards the DMF giving and receiving suspension information. The DMF would be able to enter suspensions and send notices to offenders independent of the WRC. A policy or an agreement between the agencies should also be considered and a Marine Fisheries representative should be assigned to oversee the flow of information between the agencies and notices to offenders.

Commercial licenses present another issue. Other states are split on whether commercial licenses are affected by WVC suspensions. The current WVC Compact Manager and Major of the Pennsylvania Game Commission, Michael Reeder, stated that this is left up to each individual state. The North Carolina legislation for the WVC does not distinguish between recreational and commercial licenses. Rather, G.S. § 113-300.6 (8) defines "license" to mean "any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a party state." By not excluding commercial licenses in the legislation, the General Assembly has opted to include commercial licenses in the WVC.

G.S. § 113-300.7 requires both the MFC and the WRC to adopt rules necessary to implement the WVC. The WVC Manual and G.S. § 113-300.6 can serve as a template for the DMF as the administrative and procedural blueprints for implementation of the WVC. The proposed MFC rules would establish conditions for non-residents who commit misdemeanor fishing violations in North Carolina that result in a license suspension and failure to comply with the terms of their citation. The proposed MFC rules would establish the standards for the DMF to carry out the purpose of Article 22B. The rules would impact the criminal and administrative processing of non-resident wildlife violators and would impact the administrative procedures for resident wildlife violators. These rules would only apply to licenses and violation types within the DMF/MFC's jurisdiction.

An example of how this process would work is an N.C. resident receives a suspension after being convicted of taking shellfish from polluted waters in a member state. If the conviction from that member state resulted in a six-month suspension, that suspension would likewise be ratified in North Carolina. Similarly, if a resident from another member state was convicted in North Carolina of taking shellfish from polluted waters, DMF would enter the corresponding suspension terms into the WVC database. It would then be up to that person's home jurisdiction as well as all the other member states to ratify or not. Also, suspensions that occur in a person's home state would be entered into the WVC so that member states could decide to ratify or not. As a WVC member, the DMF would be required to communicate all license suspension information through the WVC database to other participating states, and to determine if any suspension from another member state could have led to license suspension in North Carolina. If so, the licensing agency would issue an administrative suspension to that N.C. license holder.

One challenge presented by the WVC lies in determining whether to ratify a member state's suspension. DMF proposes to make this determination based upon the license type involved and type and severity of the violation. Under the WVC, only suspensions for violation types listed in the WVC manual as well as those that could be a basis for suspension by North Carolina may be considered. They are:

- illegal take of big game;
- illegal take or possession of endangered species;
- felony wildlife violations;
- license violations/fraud/false statement;
- waste of wildlife (e.g., out-of-season duck hunting violation);
- accumulated wildlife violations;
- violations while on revocation;
- sale/purchase of wildlife; and
- failure to appear.

Also included in considered offenses are:

- illegal take or possession of small game or migratory birds;
- illegal take or possession of fish;
- illegal take or possession of other wildlife;
- tag/permit/license transfer;
- federal wildlife violations;
- other criminal violations;
- guide/outfitter violations;
- safety violations;
- trespass violations;
- littering violations; and
- interfering with an officer.

Although the statute allows all suspension types from other jurisdictions to be ratified, the DMF recommends limiting the ratification of suspensions to egregious violations or those that are consistent within the DMF's subject matter. The DMF would not consider big game, small game, or migratory bird violations or any suspensions based strictly on hunting violations. However, cumulative hunting and fishing violations that trigger a suspension may be considered.

In considering suspensions, it is important to understand the suspension "triggers" in North Carolina. Presently, suspensions vary based upon the nature of the offense, the resource impacted, and the license type at issue. The consequences of some violations are more severe if the violation was committed during or as a result of occurring as part of a commercial fishing operation, such as commercially taking shellfish from polluted areas. All convictions for marine fisheries violations have a cumulative count towards suspensions within a three-year period. North Carolina's rules and statutes for suspension also affect all the products that a person holds (commercial and recreational). However, if a member state only suspended commercial or recreational products or only freshwater or saltwater products, the DMF would ratify as entered by the member state. Persons who are suspended under G.S. 113-300.6 are given appeals protections in G.S. 150B-23, as laid out in 15A NCAC 03O .0606. Table 2 provides specific

examples of wildlife violations and how those would be considered by DMF and potentially applied to N.C. licenses and products. A wildlife violator must address their violation to address their suspension. For instance, if a person, resident or nonresident, was suspended for failure to appear or failure to comply from a member state, that person would need to pay their fine or comply with the judgement from the court (e.g., community service, time served, pay restitution) and provide documentation of that compliance to the member state that issued the suspension so that the suspension could be removed from the compact database and the person's license privileges and products could be returned.

IV. Fiscal Analysis

The purpose of this document is to examine the potential economic impacts (costs and benefits) of the proposed Compact rules.

There are currently a total of 623 (ratified and entered) suspensions in the Compact database. There are approximately 6 to 12 suspensions that are entered into the Compact database each day. Under the proposed rules, if license holders entered into the database are ratified, then their licenses will be suspended in North Carolina as decided through a combined effort between DMF Marine Patrol Officers and Wildlife Resource Officers. There would be an associated cost to the State with the process of reviewing and entering suspensions into the Compact database in the form of Marine Patrol time.

There is not a direct cost to member states to join the WVC, but there are fees associated with accessing the Compact database. Those costs are already paid through the State's Compact administrator's commission, which for North Carolina is the Wildlife Resource Commission. There will not be any direct additional costs to access the Compact database.

The Compact database is set up similarly to other databases that Marine Patrol administrators have experience working with and is not expected to require any additional formal training. Marine Patrol administrators have already worked with WRC administrators and were quickly introduced to the software. Reviewing North Carolina resident additions to the Compact by other states is expected to happen in two phases.

In the first phase, a Marine Patrol supervisor will sort through the new entries and identify suspensions that will be ratified. This process is expected to cost the state 1.5 hours per week resulting in a total time cost of \$6,471 per year (1.5 hours per week at \$82.96/hour¹ for 52 weeks).

In the second phase, a Marine Patrol administrator will review the recommendation, prepare the notification to the suspended licensee, and send out the notification of suspension by mail or, in egregious cases, through service suspension. The time cost to the State for the Marine Patrol Administrator is expected to be \$2,906 (1.5 hours per week at \$37.26/hour² for 52 weeks). The DMF suspends very few products (licenses and permits) each month with an average of two. This

¹ Marine Patrol supervisor hourly rate includes average hourly salary plus fringe calculated using: [NC OSHR: Total Compensation Calculator](#).

² Marine Patrol administrator hourly rate includes average hourly salary plus fringe calculated using: [NC OSHR: Total Compensation Calculator](#).

analysis uses a conservative estimate of three suspensions per month per year. If the suspension is sent out through mail that suspension is expected to cost the DMF an estimated maximum of \$52.80 per year (1 certified letter per month at \$4.40 per letter). If the suspension is sent through service suspension a Marine Patrol officer will physically deliver the suspension notification and confiscate the licenses that are suspended which would result in a time cost to the DMF of \$2,642 (2 hours per suspension delivery at \$33.87/hour³ 2 per month for 12 months). The estimated total quantified time cost to the state would be approximately \$12,019 each year.

Joining the Compact is expected to alleviate the concern that Marine Patrol officers could have that out-of-state offenders may not ever address their citation which would result in an officer making an arrest. Arrests take up considerably more time than administering a citation. It is estimated that about two arrests per year are made to ensure the out-of-state offender pays their fine. DMF participation in the Compact will reduce the likelihood that those arrests will occur as the citation administered in North Carolina could be ratified in the offender's home state if that state is one of the forty-eight states that are active members of the compact (Massachusetts and Hawaii are in the process of joining the compact but are not active members at this time). Though the exact fiscal impact associated with this benefit is unquantifiable due to lack of data, DMF estimates that approximately 7 hours are spent arresting and processing a non-resident violator. The yearly time cost savings to the State is estimated to be \$474 (7 hours per arrest at \$33.87/hour, twice a year). This benefit could also reduce the burden on local courts and jail facilities as a result of the decreased case load involving immediate appearances, bonding and incarceration. The exact fiscal impact of this benefit is unquantifiable due to lack of data.

There may be an unquantifiable cost to DMF license holders that are suspended in other states through the Compact. If their suspensions are ratified in North Carolina, they will not be able to participate in DMF licensed or permitted activities. Though the mechanism of suspension is identical across license and permit types, the level of impact to stakeholders may vary. For example, a suspension for a DMF license or permit holder that participates in regulated activity sporadically will have a different consequence than a suspension for a DMF license holder who relies on their DMF product to provide income.

There will be a minimal time cost to develop a system with WRC to best assess Compact additions and decide on suspension ratifications. The DMF Marine Patrol staff have begun discussions to develop these internal and cross agency processes.

One main benefit of the DMF's participation in the Compact will be in the form of incremental improvement to resource protection and protection of public health and safety. Adoption of the proposed rules will likely result in benefits to the licensed and general public by further protection of estuarine and marine resources from illegal activity that can pose threats to fish and wildlife populations as well as to human health and safety. Through the DMF's involvement in the Compact, the enforcement of suspensions of DMF permits and licenses will be increased. Currently, there is not a mechanism for suspended licenses through the Compact to be enforced for DMF issued licenses and permits.

³ Marine Patrol officer hourly rate includes average hourly salary plus fringe calculated using: [NC OSHR: Total Compensation Calculator](#).

The ability to ratify suspensions for both N.C. residents and non-residents who possess licenses or permits in North Carolina will ensure that fishers who have their privileges suspended in other states will not be able to purchase, apply for, or possess a license or permit in North Carolina until their suspensions are addressed in member states. Participation by the DMF in the Compact may not change the number of stakeholders that receive suspensions in other states but may change the number of ratifications of other state suspensions. The DMF's participation will ensure the DMF can document and track stakeholders entered into the Compact and, when applicable, suspend DMF administered licenses.

The protection of the DMF managed resources through the DMF's involvement in the Compact will not be quantifiable but will be real.

Summary of Estimated Impacts:

Benefits	Yearly/Ongoing
State	\$474 in time savings for DMF enforcement staff from avoided arrests of out-of-state violators + unquantified time savings to state law enforcement officers
Local	Unquantified savings of county court time and resource costs due to decreased case loads
Private	Unquantifiable benefits to the public and stakeholders in the form of improvement to resource protection and protection of public health and safety.
Costs	Yearly/Ongoing
State	\$12,019 time cost to DMF enforcement staff to identify and process suspensions + \$52.80 postage cost. Unquantified, minimal time costs to DMF and WRC staff to coordinate assessments.
Local	None
Private	Unquantifiable opportunity costs to stakeholders from increased possibility of suspension in NC. These costs would be from not being able to participate in DMF-permitted/licensed activities.

Appendix: Proposed Rule Changes

VI. PROPOSED RULE(S)

15A NCAC 03O .0601 is proposed for adoption as follows:

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.

*History Note: Authority G.S. 113-134; 113-300.7;
Eff. May 1, 2025.*

15A NCAC 03O .0602 is proposed for adoption as follows:

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.

*History Note: Authority G.S. 113-134; 113-300.7;
Eff. May 1, 2025.*

15A NCAC 03O .0603 is proposed for adoption as follows:

15A NCAC 03O .0603 WVC CONDITIONS FOR N.C. 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.

*History Note: Authority G.S. 113-134; 113-300.7;
Eff. May 1, 2025.*

15A NCAC 03O .0604 is proposed for adoption as follows:

15A NCAC 03O .0604 WVC CONDITIONS FOR N.C. 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.

*History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;
Eff. May 1, 2025.*

15A NCAC 03O .0605 is proposed for adoption as follows:

15A NCAC 03O .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.

*History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;
Eff. May 1, 2025.*

15A NCAC 03O .0606 is proposed for adoption as follows:

15A NCAC 03O .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.

*History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52;
Eff. May 1, 2025.*