



Fiscal Note for Proposed Administrative Rule Amendments

Rule Amendment: 15A NCAC 10A .1301 FUNDING SOURCES
15A NCAC 10A .1302 OFFENSES AND REWARD AMOUNTS
15A NCAC 10A .1303 ELIGIBILITY

Agency Contact: Carrie Ruhlman
Policy Development Manager
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC
919-707-0011
carrie.ruhlman@ncwildlife.org

Impact:

State Government:	Yes
Local Government:	Yes
Private Impact:	Yes
Substantial Economic Impact:	No

Authority: G.S. 113-134; 113-292

BACKGROUND

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources (G.S. 113-131(a)). The NC Wildlife Resources Commission (NCWRC) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing as equitably as possible the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and the NCWRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

A summary of the proposed rule amendments follows, with the proposed rule text included in Appendix A.

REASON FOR PROPOSED CHANGES

The Wildlife Poacher Reward Fund was created by the General Assembly to incentivize and reward individuals who provide information to the NCWRC or law enforcement authorities that results in the arrest and conviction of persons who have committed criminal offenses involving wildlife resources. Currently, no inland fisheries related crimes are eligible for the Wildlife Poacher Reward Program despite the large percentage of fishing related criminal activity reported by the public. These violations represent a significant loss of inland fishery resources as well as substantial replacement cost to the Commission. The proposed rule changes will make inland fisheries related crimes eligible for the Wildlife Poacher Reward Program.

RULE AMENDMENTS AND IMPACT ANALYSIS

15A NCAC 10A .1301

This rule is proposed for repeal as it does not meet the statutory definition of a rule.

15A NCAC 10A .1302

Amendments to this rule include the addition of the following fishing violations to the list of offenses for which rewards can be paid to informants for providing information resulting in the arrest and conviction of persons committing the crime:

- Class 1 and 2 misdemeanors in G.S. 113-262 - Taking fish or wildlife by poisons, drugs, explosives or electricity prohibited
- Violations of Rule 15A NCAC 10C .0302 - Manner of Taking Inland Game Fishes; and
- Violations of Rule 15A NCAC 10C .0304 - Taking and Possession of Inland Game Fishes
- Violations of Rule 15A NCAC 10C .0401 – Manner of Taking Nongame Fishes
- Violations of Rule 15A NCAC 10C .0402 – Taking Nongame Fishes by Special Device for Bait or Personal Consumption
- Violations of Rule 15A NCAC 10C .0409 – Taking and Possession of Nongame Fishes

Currently, only Class 1 and 2 misdemeanors specified in GS. 113-294 and GS. 113-337 and Class 1 misdemeanors involving wildlife resources specified in GS. 113-264(b) are eligible for rewards. There are no violations relating to fisheries resources eligible for rewards.

State Impacts

Costs

Approximately 2,450 potential violations were reported by the public last fiscal year. Forty-seven of those were WildTip eligible and approximately 75 were identified as fishing related. When a tip is reported, dispatchers or officers receive and review the report, then relay the information to local officers, who follow up on the alleged violation.

While the agency currently responds to and investigates fishing violations, there is no incentive, other than to protect the resource, for individuals to report these crimes to the Commission, as the only fishing violations that are eligible for the Poacher Reward Fund are selling or buying inland game fish. If the reporting of fishing violations were to be incentivized, this may result in an increased number of violations reported. Unfortunately, the agency has no way to estimate the potential increase or any increase in associated workload.

Rewards range from \$100 to \$1,000 depending on the severity of the crime and the fines assessed by the court. Over the past two years, approximately 16 informants/year received a reward. Individual award amounts varied, but in total, cost the State approximately \$9,300/year. If fishing violations become eligible for reward, the agency anticipates that the total amount paid to informants will increase. Due to lack of data, this cost cannot be quantified, but the agency expects that any additional costs will be covered by a combination of additional replacement costs/restitution and the agency's general fund.

Benefits

Fishing violations -- though only infractions or class 3 misdemeanors -- often represent a significant loss of fisheries resources, as they involve significant take. The agency monetarily values fish in a variety of ways, ranging from \$0.25/inch to \$9.99/inch, or from \$0.76/fish to \$2.65/fish. Endangered, Threatened, and Special Concern finfish are valued at \$157.54/fish.¹ While there is no way to estimate the potential benefit from the agency being informed of additional fishing violations (an anticipated outcome of the proposed amendments), it is anticipated that incentivizing the reporting of these violations, which otherwise may go unchecked, will likely benefit the resource.

The NCWRC receives replacement costs and restitution from the criminal conviction of wildlife crimes involving take, injury, removal, damage, or destruction. While neither of these fines are guaranteed, as they are both determined by a judge, a portion of this money is used as the funding source for the Wildlife Poacher Reward Fund. Per G.S. 113-294.1 at least 10% of amounts paid as replacement costs and investigative costs is directed to the Fund. The other 90% is directed to the agency's general fund for enforcement use. Currently, the NCWRC receives approximately \$73,000 per year in replacement costs and restitution. With the addition of fishing violations, which may lead to additional convictions, additional funding for the agency and the Poacher Reward Fund may be realized. Because there is no accurate way to estimate the potential increase in reports, convictions or restitution, the agency cannot quantify this potential benefit.

Local Impacts

Costs

Because the incentive of monetary reward exists, more people may report fishing violations to the Commission. If the Commission cites more fishing related violations, this may result in an increased caseload for county court systems. While there is no way to determine which counties may experience increased caseloads, data from last fiscal year indicate that the counties where

¹ See 15A NCAC 10A .1502

the most publicly reported fishing violations occur include:

- Montgomery County
- Rowan County
- Wake County
- Chatham County

Benefits

Fines for fishing violations include cost of court (\$181 for infractions and \$183 for misdemeanors)². Because the proposed amendments may encourage more reporting and in turn additional citations, courts in the county where violations occur could realize additional income. The agency doesn't have the data to estimate this benefit.

Private Impacts

Costs

Depending on the type of violation, and in some cases, state residency, fines for fishing violations can be anywhere from \$25 - \$100³ plus cost of court (\$181 for infractions and \$183 for misdemeanors).

Individuals convicted of unlawful take, injury, removal, harmful alteration, damage, or destruction of wildlife may be required to pay replacement costs as specified in 15A NCAC 10A .1502. Depending on the species, replacement costs for fish range from \$0.25/inch to \$9.99/inch or from \$0.76/fish to \$2.65/fish⁴. Endangered, Threatened, and Special Concern finfish are \$157.54/fish. Based on staff experience, the agency anticipates that most unlawful fishing activity would involve crappie (\$0.48/inch), mountain trout (\$0.71/inch), and striped bass (\$1.27/inch). Even on a species-specific basis, there is no way to estimate potential fines since replacement costs, though recommended by agency rule, are at the discretion of the judge and varies from case to case.

Benefits

Individuals who report violations that result in arrest and conviction will be eligible for reward. Rewards range from \$100 to \$1,000. This benefit cannot be accurately quantified with existing data.

Protection of the resource is a benefit to anglers and the public. The public has expressed concern and a willingness to report violations of fisheries resources. While the benefit of a healthy and plentiful resource cannot be quantified, the proposed changes have the potential to increase public awareness of fisheries resources and benefit anglers long-term.

15A NCAC 10A .0103

² See G.S. 7A-304

³ <https://www.nccourts.gov/assets/documents/publications/waiver-list-hunting-fishing-boating-2022.pdf?VersionId=m6beaRiG2RJb9R5Lm0v7SpSBWjeIGaFJ>

⁴ See 15A NCAC 10A .1502

The proposed amendments to this rule are for clarity and alignment with current rule writing and formatting requirements. As such, they will have no impact other than making the rules more consistent and easier to understand.

SUMMARY

State

Unquantifiable State costs include the following:

- Increase in WLEO time for responding to reported fishing violations.
- Increase in WLEO workload for time spent in court.
- Increase in rewards paid from the Poacher Reward Fund.

Unquantifiable State benefits include the following:

- Sustainability and longevity of fisheries resources.
- Increased funding of approximately \$73,000 annually for the NCWRC and Poacher Reward Fund from replacement costs and compensatory restitution.

Local Government

Unquantifiable local government costs include the potential increased caseload for the local court system.

Unquantifiable local government benefits include \$181 - \$183 of court costs per citation.

Private

Unquantifiable private costs include the following:

- Fines associated with citations for violations of fishing regulations.
- Potential replacement costs assessed by the court if convicted.

Unquantifiable private benefits include the following:

- Rewards (\$100 - \$1,000) to individuals who report fishing violations if the individual is convicted.
- Protection of the resource for future use and enjoyment.

As compared to the regulatory baseline, none of the proposed amendments are expected to result in significant costs to the State, local government, or the public. The benefits of adding fishing violations to the rule, though unquantifiable, should far exceed the costs.

APPENDIX A

1 **15A NCAC 10A .1301 FUNDING SOURCES**

2 ~~The Wildlife Resources Commission shall direct at least 10 percent of compensatory restitution associated~~
3 ~~with replacement costs and investigative costs as defined in G.S. 15A-1343(b1)(5) and specified in Rules~~
4 ~~15A NCAC 10B .0117 and 15A NCAC 10C .0215 to the Wildlife Poacher Reward Fund.~~

5

6 *History Note: Authority G.S. 15A-1343; 113-134; 113-294;*

7 *Eff. May 1, 2014*

1 **15A NCAC 10A .1302 OFFENSES AND REWARD AMOUNTS**

2 (a) Rewards shall be paid ~~only for information resulting in the arrest and~~ conviction of persons who have
3 committed Class 1 or Class 2 misdemeanors specified in G.S. ~~113-262, 113-294~~ and G.S. 113-337, ~~and~~
4 Class 1 misdemeanors involving wildlife resources specified in G.S. ~~113-264(b)~~, 113-264(b), and Class 3
5 misdemeanors involving fisheries resources specified in Rule 10C .0302(a), .0304, .0401, .0402, and .0409
6 of this Chapter.

7 (b) The reward amount shall be equivalent to the amount of the fine, replacement costs, or restitution
8 assessed by the court, whichever is greatest, not to exceed one thousand dollars (\$1,000). If no fine,
9 replacement cost, or restitution is assessed, including in cases that result in a prayer for judgment, the reward
10 shall be one hundred dollars (\$100.00).

11

12 *History Note: Authority G.S. 113-134; 113-264; 113-294; 113-294.1; 113-337;*

13 *Eff. May 1, 2014.*

1 **15A NCAC 10A .1303 ELIGIBILITY**

2 (a) Rewards shall be paid ~~only~~ to individuals who provide information resulting in the arrest and conviction
3 of persons who have committed the offenses specified in Rule .1302(a) of this Section. If more than one
4 individual provides information resulting in the arrest of a person for the same offense, the Commission
5 shall pay ~~reward money in the individuals~~ equal amounts ~~to each individual~~ not to exceed the amount
6 specified in Rule .1302(b) of this Section.

7 (b) Rewards shall be paid after the final disposition of a case resulting in a ~~conviction~~ conviction, as defined
8 in G.S. 113-171(a), or a prayer for judgment. ~~For purposes of this Rule, a conviction shall be as defined in~~
9 ~~G.S. 113-171(a).~~

10 (c) The following individuals are not eligible to receive reward money:

- 11 (1) ~~any~~ a current Wildlife Resources Commission ~~employee~~ employees or members of ~~his or~~
12 ~~her~~ their immediate family;
- 13 (2) ~~any~~ current Wildlife Resources ~~Commissioner;~~ Commissioners;
- 14 (3) ~~any~~ a sworn law enforcement officer;
- 15 (4) the perpetrator of the crime for which the information has been given and ~~any~~ an
16 accomplice or accessory to that crime; and
- 17 (5) ~~any~~ an individual who refuses to provide the Commission with his or her name and contact
18 information.

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20 *History Note: Authority G.S. 113-134; 113-171; 113-294.1;*

21 *Eff. May 1, 2014*