

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Some of the submitted rules have an effective date of July 1, 2023, and some have August 1, 2023. If approved at the April 2023 RRC meeting, these rules could become effective on May 1, 2023. Are these delayed effective dates correct?

Please retype the rule accordingly and resubmit it to our office electronically.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0127

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

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In reviewing this Rule, the staff recommends the following changes be made:

“Any”, “each”, “every”, “all”, and “some” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. Paragraph (f) has “all” and Paragraph (g) has four uses of “any” and one “all”.

Please add an oxford comma after “weasel” on line 23.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 4, 2023

1 15A NCAC 10B .0127 is amended as published in 37:11 NCR 793 as follows:

2

3 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

4 (a) Deer killed accidentally on a road by reason of collision with a motor vehicle may be possessed and transported
5 if authorization is obtained from the law enforcement officer who investigates the accident. Possession and transport
6 of the deer carcass for personal and lawful use, including delivery of the carcass to a second person for his or her
7 private use or use by a charitable organization shall be authorized.

8 (b) Commission employees may authorize possession and transport of deer and turkey killed accidentally or found dead.

9 (c) The following shall not be possessed or transported if killed accidentally or found dead unless written authorization
10 is obtained from the Commission:

11 (1) black bears; and

12 (2) elk.

13 ~~(c) Black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is~~
14 ~~obtained from the Commission.~~

15 (d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105
16 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from
17 the Commission.

18 (e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal
19 permits obtained from the U.S. Fish and Wildlife Service.

20 (f) All other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

21 (g) The sale of any wildlife resources or wildlife parts from any animal killed accidentally or found dead is prohibited,
22 except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver, coyote,
23 groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or bobcat to a licensed fur dealer if the dead
24 furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the
25 carcasses, parts, or pelt of any fox to a licensed fur dealer if the dead fox was found during an open fox season and
26 the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. All tagging requirements set
27 forth in 15A NCAC 10B .0400 apply.

28

29 *History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4; 113-331; 113-333; 113-337;*

30 *Eff. January 1, 2013;*

31 *Readopted Eff. October 1, 2022;*

32 *Amended Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0203

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Would removing the parenthesis in each Paragraph change the meaning? Why not simply call it what it is known as colloquially: "Archery Season", "Blackpowder Firearm Season", etc. Also, remove the parenthesis elsewhere, such as on lines 7 and 8, page 1; lines 3 and 4, page 2; line 12 and 13, page 4. There are more to be removed.

"Any", "each", "every", "all", and "some" should not be used if "a", "an", or "the" can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 4, 6, 10, 15, 19, 22, 26; page 2, lines 15, 30, 35; page 3, lines 2, 6, 13; page 4, lines 19, 20, 22, 27, 29, 30; page 5, lines 1, 17, 24, 27, 28.

Parts (a)(1)(A) and (B) both start on the Saturday on or nearest October 15 and go through January 1. Could these be combined?

Can Part (a)(1)(A) be written without the "" ? Could it not be stated "It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County."? Similarly, can Part (a)(2)(D) be changed?*

Define or delete "appropriate" and "each of" in Part (a)(2)(D).

Is "apportion" the correct word on line 26, page 2? Also, on line 27, should the comma be deleted and replaced with "and"?

In Parts (a)(2)(H) and (I), colons within sentences should be avoided. Can these be changed to remove the colons?

Words like "thereafter", page 2, line 35; page 3, lines 2, 6; page 4, lines 10, 14; page 5, line 1 should be avoided. Also, change "is authorized to regulate" to "regulates" on page 3, line 31; page 4, line 23; and page 5, line 8.

Commas should be used instead of dashes. See Subparagraph (c)(3).

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

“Such” and “these” should be avoided. See page 4, line 29; page 5, line 25.

Throughout this Rule, the names of the different seasons are capitalized. They are not capitalized in Parts (c)(2)(A) and (B). Is this purposeful or an oversight?

Phrases like “in or before” on page 4, line 28, are to be avoided. Using “before 1899” is clearer.

On page 5, lines 1 and 2, the sentence “Deer shall not be taken on any game land or part thereof that occurs within a city boundary.” would be clearer if it stated, “Deer shall not be taken on game lands that are within city boundaries.”

Paragraph (e) states twice “bag limits described above”. State where bag limits are described or delete this phrase. Because the bag limits seem to appear in that Paragraph, the phrase seems unnecessary.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0203 is amended with changes as published in 37.11 NCAC 794 as follows:

2
3 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

4 (a) Open Seasons (All Lawful Weapons) for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
7 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
8 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the
9 following seasons:

10 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
11 Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones,
12 Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson,
13 Scotland, Tyrrell, and Washington counties.

14 *Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

15 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
16 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
17 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
18 Wilson counties.

19 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
20 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
21 Surry, Watauga, Wilkes, and Yadkin counties.

22 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
23 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
24 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
25 counties.

26 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
27 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
28 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
29 counties.

30 (F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates,
31 and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those
32 parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National
33 Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National
34 Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River
35 National Wildlife Refuge; in those parts of Anson and Richmond counties known as the
36 Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the
37 Mackay Island National Wildlife Refuge.

1 (2) Antlered or Antlerless Deer. ~~Deer of Either Sex.~~ Except on Game Lands, antlered or antlerless deer
 2 ~~of either sex~~ may be taken during the open seasons and in the counties and portions of counties listed
 3 in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D .0103
 4 for either-sex deer seasons on Game Lands). Antlered or antlerless deer ~~Deer of either sex~~ may be
 5 taken during the open season identified in Part (H) of this Subparagraph.

6 (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service
 7 during the period from the Saturday on or nearest September 10 through January 1 in those
 8 parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National
 9 Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the
 10 Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties
 11 known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County
 12 known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife
 13 Refuge.

14 (B) The open either-sex deer hunting dates established by the appropriate military commands
 15 at each of the military installations listed in this Paragraph, during the period from Saturday
 16 on or nearest October 15 through January 1 in that part of Brunswick County known as the
 17 Sunny Point Military Ocean Terminal, in that part of Craven County known and marked
 18 as Cherry Point Marine Base, in that part of Onslow County known and marked as the
 19 Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall
 20 Military Reservation.

21 (C) Youth ~~either sex~~ deer hunts. First Saturday in October for youth antlered or antlerless
 22 ~~either sex~~ deer hunting by permit only on a portion of Belews Creek Steam Station in
 23 Stokes County designated by agents of the Commission; the third Saturday in October for
 24 youth antlered or antlerless ~~either sex~~ deer hunting by permit only on Mountain Island State
 25 Forest in Lincoln and Gaston counties; and the second Saturday in November for youth
 26 antlered or antlerless ~~either sex~~ deer hunting by permit only on apportion of Warrior Creek
 27 located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the
 28 Commission. A youth is defined as a person under 18 years of age.

29 (D) The first open Saturday of the Deer ~~with~~ **With** Visible Antlers season described in
 30 Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, **Madison**,
 31 and Transylvania counties.

32 *Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers,
 33 west of US 25, and north of NC 280

34 (E) The first open day of the Deer **With** Visible Antlers season described in Subparagraph
 35 (a)(1) of this Rule through the first Saturday thereafter in all of ~~Avery, Burke, Caldwell,~~
 36 Madison and McDowell ~~McDowell, Mitchell, and Yancey~~ counties.

1 (F) The first open day of the Deer ~~with~~ With Visible Antlers season described in Subparagraph
 2 (a)(1) of this Rule through the second ~~Friday~~ Saturday thereafter in all of ~~Cleveland, Polk,~~
 3 ~~and Rutherford~~ Avery, Burke, Caldwell, ~~[Madison,]~~ Mitchell, and ~~[Yancey]~~ Yancey
 4 counties.

5 (G) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1)
 6 of this Rule through the fourth [Friday] Saturday thereafter in all of Cleveland, Polk, and
 7 Rutherford counties.

8 ~~(G)(H)~~ (H) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1)
 9 of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and
 10 Gaston counties and in the following parts of counties: Buncombe: That part east of NC
 11 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC
 12 280; and Henderson: That part east of NC 191 and north and west of NC 280.

13 ~~(H)(I)~~ (I) The fourth Saturday in September in all counties, subject to the following restriction: only
 14 persons under the age of 18 years may hunt.

15 (b) Open Seasons (Archery) for hunting deer:

16 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
 17 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
 18 following seasons:

19 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
 20 day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1)
 21 of this Rule; and the Sunday immediately following the closing of blackpowder firearms
 22 and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before
 23 Thanksgiving in the counties and parts of counties having the open seasons for Deer With
 24 Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson
 25 Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC
 26 10D .0103 for Archery seasons on these Game Lands).

27 (B) Sunday immediately following the closing of the open season for Deer With Visible
 28 Antlers through January 1 in the counties and parts of counties having the open season for
 29 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

30 (2) Restrictions

31 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
 32 provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery
 33 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
 34 accordance with G.S. 113-291.1(k).

35 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
 36 may be used during the archery deer hunting season.

1 (C) Antlered or antlerless deer ~~Deer of either sex~~ may be taken during archery seasons specified
2 by Part (b)(1)(A) of this Rule.

3 (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs
4 or buttons covered by skin or velvet, shall be taken during the archery season specified by
5 Part (b)(1)(B) of this Rule.

6 (c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

7 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
8 taken only with blackpowder firearms and archery equipment during the following seasons:

9 (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described
10 in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter
11 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
12 Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and
13 Archery seasons on these Game Lands):

14 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
15 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
16 (a)(1)(D) of this Rule.

17 (2) Restrictions

18 (A) Antlered or antlerless deer ~~Deer of either sex~~ may be taken during blackpowder firearms
19 and archery season in any county or county part set forth in Part (a)(2)(G) of this Rule that
20 has either-sex days for all lawful weapons and in the following counties: Polk, Rutherford,
21 McDowell, Burke, Caldwell, and Cleveland. Antlered or antlerless deer ~~Deer of either sex~~
22 may be taken on the first Saturday day of this season only in all other counties.

23 (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as
24 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder
25 firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead
26 or wounded deer in accordance with G.S. 113-291.1(k).

27 (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a
28 matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before
29 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not
30 designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any
31 muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that
32 is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the
33 muzzle, cylinder, or breech and that cannot use fixed ammunition.

34 (d) Open Season (Urban Season) for hunting deer:

35 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
36 limits set out in Paragraph (e) of this Rule, antlered or antlerless deer ~~of either sex~~ may be taken
37 with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second

1 Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on any
2 game land or part thereof that occurs within a city boundary.

- 3 (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no
4 later than April 1 of the year prior to the start of the urban season to the Executive Director or his
5 designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of
6 the city's boundaries within which the urban season shall apply.

- 7 (3) Restrictions:

8 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
9 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban
10 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
11 accordance with G.S. 113-291.1(k).

12 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
13 shall be used during the urban season.

14 (e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of
15 which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as
16 distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may
17 obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife
18 Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season
19 described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned
20 game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part
21 of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in
22 the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using
23 Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be
24 set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program,
25 regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP
26 license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for
27 deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags
28 may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons,
29 including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

30
31 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*

32 *Eff. February 1, 1976;*

33 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
34 *1994; July 1, 1993;*

35 *Temporary Amendment Eff. July 1, 1999;*

36 *Amended Eff. July 1, 2000;*

37 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*

1 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
2 *Temporary Amendment Eff. June 1, 2003;*
3 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
4 *2003);*
5 *Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;*
6 *August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;*
7 *June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;*
8 *Readopted Eff. August 1, 2022;*
9 *Amended Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0227

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Remove the parenthesis in Paragraphs (a) and (e) after "landowners".

In Paragraph (b), would it not be clearer to simply state, "Wild Quail Management Areas shall be:" "(1) 500 acres or more contiguous land; and..."?

Rules should be written in the active voice. For instance, Paragraph (e) would state, "The Commission and landowners shall sign an agreement that contains:". Or, Subparagraph (f)(1) would state, "A representative of the Commission shall inspect potential properties..."

"Any", "each", "every", "all", and "some" should not be used if "a", "an", or "the" can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 7, 11, 20, 26, 29, and 35.

Can the last sentence in Paragraph (c) be clarified? Can "human uses" be better defined? Phrases like "such as" should be avoided.

Subparagraph (e)(5) is vague, ambiguous, and overly broad. Can this requirement be more clearly delineated?

The phrase "at least" should be avoided. In Subparagraph (f)(2), instead of "at least once every five years", is it clearer to simply state, "every five years"? The same applies to Parts (g)(3)(A) and (B). In (B), use "per" instead of "each".

"The phrase "for the purpose of" should be avoided. In Part (e)(3)(E) and Subparagraph (e)(5), simply state "attract birds to hunt" or "trapping ... for nest predator control".

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

1 15A NCAC 10B .0227 is amended with changes as published in 37:11 NCR 797 as follows:

2
3 **15A NCAC 10B .0227 WILD QUAIL ~~MANGEMENT~~ MANAGEMENT AREAS**

4 (a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild
5 bobwhite quail conservation under signed agreement between the landowner(s) and the Wildlife Resources
6 Commission.

7 (b) The following qualifications shall apply to all Wild Quail Management Areas:

8 (1) At least 500 acres of contiguous land; and

9 (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-
10 round bobwhite quail habitat.

11 (c) Wild bobwhite quail habitat shall be any early successional habitat dominated by herbaceous vegetation or shrub
12 cover consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with
13 scattered open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60
14 square feet per acre. Land managed and maintained primarily for human uses such as large lawns, golf courses, sod-
15 forming pastures, production agriculture fields, monoculture hayfields, solar energy, or production timber stands shall
16 not qualify as early successional habitat.

17 (d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described
18 on the Commission's website at www.ncwildlife.org.

19 (e) The signed agreement between the landowner(s) and the Commission shall include:

20 (1) a list of all owners of land included in the Wild Quail Management Area;

21 (2) county parcel identification information for each parcel to be included in the Wild Quail
22 Management Area;

23 (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round
24 bobwhite quail habitat identified;

25 (4) management practices to be used to maintain bobwhite quail habitat and populations; and

26 (5) any reporting requirements in addition to the minimum requirements in Subparagraph (g)(6) of this
27 Rule that are specific to the individual Wild Quail Management Area.

28 (f) Property inspection:

29 (1) All potential properties shall be inspected (1) by a representative of the Commission prior to acceptance
30 into the program to determine that the proposed land and habitat will qualify to become a Wild Quail
31 Management Area; and

32 (2) Wild Quail Management Areas shall be inspected by a representative of the Commission at least
33 once every five years to determine that the requirements of the signed agreement and this rule are
34 being met.

35 (g) The following shall apply to all Wild Quail Management Areas:

36 (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.

- 1 (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A
2 NCAC 10B .0208.
- 3 (3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite
4 quail populations remain stable during droughts or other periods of stressful environmental
5 conditions. Supplemental feed shall:
- 6 (A) be broadcast into quail habitat along a minimum linear distance of at least one mile per 100
7 acres of habitat at a rate of three bushels per mile;
- 8 (B) be broadcast on a bi-weekly schedule during at least five months each year
- 9 (C) be broadcast using a non-stationary spreader;
- 10 (D) be only natural grains or seed; and
- 11 (E) not be placed to attract birds for the purpose of hunting.
- 12 (4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near
13 or with the aid of supplemental feed.
- 14 (5) Outside of the trapping season established in 15A NCAC 10B .0303, trapping ~~Trapping~~ for raccoon,
15 striped skunk, armadillo, and opossum on Wild Quail Management Areas for the purpose of nest
16 predator control shall only be allowed ~~from the end of the established trapping season in 15A NCAC~~
17 ~~10B .0303 through May 31. Enclosed~~ using enclosed foot-hold traps with a one-way trigger or cage
18 ~~traps may be used, and trapped traps. Trapped~~ raccoons, striped skunks, armadillos, and opossums
19 may be euthanized or released at the trap site.
- 20 (6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission
21 within 30 days of the end of the reporting period, and shall include the following:
- 22 (A) number of days and hours wild bobwhite quail were hunted;
- 23 (B) total annual harvest of wild bobwhite quail;
- 24 (C) total number of coveys flushed;
- 25 (D) supplemental feeding activities;
- 26 (E) number of trap nights, number of animals trapped and their disposition or release, by
27 species, for trapping activity conducted during trapping seasons established by 15A NCAC
28 10B .0303; and
- 29 (F) number of trap nights, number of animals trapped and their disposition or release, by
30 species, for trapping activity conducted outside of trapping seasons established by 15A
31 NCAC 10B .0303.

32
33 *History Note: Authority G.S. 113-134; 113- 291.1;*
34 *Eff. August 1, 2021;*
35 *Amended Eff. June 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0301

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

“Any”, “each”, “every”, “all”, and “some” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 5, 7, 10, 14, 21, and 22.

Would Item (1) be clearer if it stated, in part, “...are devices designed so that the animal...”.

In Item (7), could “some type of” be replaced with “a”?

Remove parenthesis in Item (10).

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0301 is amended as published in 37:11 NCR 798 as follows:

2

3 **15A NCAC 10B .0301 DEFINITIONS**

4 As used in this Section, the following definitions apply:

5 (1) "Box trap" and "cage trap" are any device designed in such a manner that the animal enters the trap
6 through a door that closes and is meant to prevent the animal from exiting.

7 ~~(1)(2)~~ "Breakaway device" means any device incorporated into a snare or snare component that allows the
8 loop to break open, and an animal to escape completely free of the snare, when a specified amount
9 of force is applied.

10 ~~(2)(3)~~ "Collarum™-type trap" means any power-activated snare that is activated when the trigger is pulled
11 and that is designed to capture and restrain the animal by a cable around the neck.

12 (4) "Conibear®", "conibear®-type", and "bodygrip" traps are designed to catch an animal in a body
13 hold resulting in a quick kill.

14 ~~(3)(5)~~ "Leghold" and "foothold" mean any trap designed to hold an animal by the foot.

15 ~~(4)(6)~~ "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing
16 beyond a specified point.

17 ~~(5)(7)~~ "Power-activated" means a snare on which the speed or direction of the loop closure is initiated or
18 augmented by some type of powering device like a spring.

19 ~~(6)(8)~~ "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the
20 captured animal when the cable is not taut.

21 ~~(7)(9)~~ "Snare" means any cable restraining device.

22 ~~(8)(10)~~ "Steel-jaw" means any leghold or foothold trap in which the jaw(s) are made of metal.

23

24

25 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.6;*

26 *Eff. January 1, 2011;*

27 *Readopted Eff. February 1, 2022;*

28 *Amended Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0303

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In Subparagraph (a)(2), is there a clearer way of stating “at any time”?

In Subparagraph (b)(1), would “pursuant to” be clearer than “under the provisions specified in”?

What is “the permit” referenced in Subparagraph (b)(1)? Does this need criteria, procedures, methods, etc. similar to bear permits or game land permits?

Subparagraph (b)(2) is unclear. Words like “such” and “all” are to be avoided. “Shall” is better to use than “can”.

In Subparagraph (b)(3), “any” should be avoided.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0303 is amended as published in 37:11 NCR 798 as follows:

2

3 **15A NCAC 10B .0303 OPEN SEASONS**

4 (a) ~~General~~—The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S.
5 113-129(7a), as well as the taking by trapping of coyotes, armadillos, and groundhogs, shall be ~~November–October 1~~
6 through the last day of February, subject to the following:

7 (1) trapping coyotes shall also be allowed during local fox trapping seasons and in accordance with
8 methods described by local law in counties that have established fox trapping seasons by law outside
9 the regular trapping season described in Paragraph (a); and

10 (2) nutria may be trapped east of I-77 at any time.

11 (b) Feral Swine. There is no closed season for trapping feral swine, subject to the following restrictions:

12 (1) in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission
13 is required to trap feral swine. Individuals exempted from license requirements under the provisions
14 specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must
15 acquire the permit;

16 (2) feral swine may be live-trapped using only corral or box traps. Corral and box traps must be
17 constructed in a manner such that a non-target animal can be released or can escape without harm.
18 The permit number must be displayed on all traps; and

19 (3) feral swine must be euthanized while in the trap and may not be removed alive from any trap.

20

21 ~~Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.~~

22

23 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;*

24 *Eff. February 1, 1976;*

25 *Amended Eff. July 1, 1996; July 1, 1984; July 1, 1983; August 1, 1982; August 1, 1981;*

26 *Temporary Amendment Eff. July 1, 1999;*

27 *Amended Eff. July 1, 2000;*

28 *Temporary Amendment Eff. June 1, 2003;*

29 *Amended Eff. August 1, 2010; May 1, 2009; November 1, 2008; May 1, 2008; May 1, 2007; May 1,*
30 *2006; June 1, 2005; August 1, 2004;*

31 *Recodified from Rule 10B .0302 Eff. January 1, 2011;*

32 *Temporary Amendment Eff. December 29, 2011;*

33 *Amended Eff. November 1, 2012;*

34 *Readopted Eff. August 1, 2019;*

35 *Amended Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0306

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

It is best to avoid using words or phrases such as “every” (lines 4, 5, 15), “any” (lines 4 and 5), “therein” (line 4), “at least” (lines 15 and 25), and “each” (line 19).

Should “conibear” in Paragraph (a) be capitalized and end with an “®”?

Is “upon request” necessary in Paragraph (f)?

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0306 is adopted with changes as published in 37:11 NCR 799 as follows:

2
3 **15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF FURS TRAPS**

4 (a) Every trap shall be visited daily and any animal caught therein removed, except for completely submerged conibear
5 type traps which shall be visited once every 72 hours and any animal caught therein removed.

6 (b) Steel-jaw, leghold, conibear®, conibear®-type traps, Collarum™-type traps, snares, box traps, and cage traps must
7 have a weather-resistant permanent tag attached legibly giving the trapper's name and address or the trapper's trapper
8 identification number provided by the Wildlife Resources Commission and the Wildlife Resources Commission's
9 telephone number to report wildlife violations. Box traps for rabbits must have a weather-resistant permanent tag
10 attached legibly giving the hunter's name and address or the hunter's Wildlife Resources Commission customer
11 number and the Wildlife Resources Commission's telephone number to report wildlife violations.

12 (c) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following
13 features:

14 (1) a control unit that monitors the trap in real-time and reports trap status and unit status to a centralized
15 application database at least once every 12 hours;

16 (2) a software application that notifies the user of unit status, trap activity, and system health issues
17 within 10 minutes of these events via email, text-based messaging systems, or an in-application
18 notification; and

19 (3) an on-demand test procedure that is used at each deployment of a unit to confirm that the unit is
20 placed in a location where its wireless communication can be received and processed.

21 (d) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within
22 24 hours of the time the trap was reported closed.

23 (e) If a remote trap checking system control unit fails to report its status after a 12-hour period, or reports a system
24 health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.

25 (f) Remote trap checking system users shall maintain records of trap status and notification alarms for at least seven
26 days after receipt. Records shall be made available for inspection upon request by a representative of the Commission.

27
28 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;*

29 *Adopted Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1506

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

If WCA is to be used throughout this Rule, please add "(WCA)" after the first instance of "Wildlife Control Agent" (line 6). Also, because "ACA" has been defined, "alligator control agent" should not be used subsequent to the definition, such as in Paragraph (b).

In Subparagraph (a)(2), "by means of a Commission-issued depredation permit" is unclear. Phrases like "by means of" should be avoided. How does an agent get one of these permits? In what rule is this found?

In Subparagraph (b)(3), what does "demonstration to the Commission of necessary equipment" mean? How is this done? Define or delete "necessary"

Words and phrases such as "at least" (line 24) and "all" (line 28) should be avoided.

In Paragraph (h), "facilitates" does not appear to be the correct word. What was meant?

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10H .1506 is amended as published in 37:11 NCR 821 as follows:

2
3 **15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND**
4 **REQUIREMENTS**

5 (a) The following definitions shall apply in this Section:

6 (1) "Alligator control agent" or "ACA" means a licensed Wildlife Control Agent that holds a current
7 and valid alligator control agent certification issued by the Commission.

8 (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the
9 Commission that authorizes a Wildlife Control Agent to engage in alligator damage control or
10 alligator removal activities by means of a Commission-issued depredation permit.

11 (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without
12 first obtaining an alligator control agent (ACA) certification from the Commission.

13 (c) Only individuals with a valid WCA license shall be eligible for ACA certification.

14 (d) WCAs meeting the following requirements shall qualify for ACA certification:

15 (1) completion of a Commission-approved ACA training course that reviews the following:

16 (A) alligator rules;

17 (B) procedures for alligator data collection activities; and

18 (C) safe, humane alligator capture, handling, and transporting techniques.

19 (2) a passing score on the ACA written examination as specified in Paragraph ~~(d)~~(f) of this Rule.

20 (3) demonstration to the Commission of necessary equipment to safely and humanely capture and
21 relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag
22 reader, and an alligator transport device.

23 (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca

24 (f) WCAs scoring at least an 80 percent on the ACA examination provided by the Commission shall be deemed to
25 have received a passing score. WCAs failing to obtain a passing score on the examination shall receive one opportunity
26 to re-take the examination and receive a passing score without being required to retake the ACA training course.

27 (g) An ACA certification shall not be transferable between individuals.

28 (h) All equipment used in captive facilities or on captive alligators shall not be used for ACA operations.
29

30
31 *History Note: Authority G.S. 113-134; 113-273; 113-274;*

32 *Eff. May 1, 2021;*

33 *Amended Eff. August 1, 2023.*
34

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10J .0101

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

“Any”, “each”, “every”, “all”, and “some” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 9, 13, 19, 21, and 22.

On line 15, Paragraph (b), “areas on” seems unnecessary or incorrect. Should it be deleted?

“Upon” or “such” should be avoided. Subparagraph (b)(2) has those words, as well as “can” which should be changed to “shall”. Perhaps it would be clearer if it stated:

Portions of Wildlife Conservation Areas posted as "Restricted Zones" are closed to ~~all~~ use by the public, ~~and entry upon such an area for any purpose is prohibited~~ without ~~first having obtained~~ written approval ~~of such entry or use~~ from the Wildlife Resources Commission. The Commission shall authorize entry ~~Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone~~ shall not be compromised, a valid need shall be demonstrated by ~~and the person or persons requesting entry, are able to demonstrate a valid need or such person is~~ official business of the Commission is being conducted by a contractor or agent of the Commission ~~conducting official business~~. Valid needs may include access to private property, scientific investigations, surveys, or other activities in the public interest.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 4, 2023

1 15A NCAC 10J .0101 is readopted as published in 37:11 NCR 821 as follows:

2
3 **15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS**

4 ~~For the purposes of these regulations, wildlife conservation areas are defined as any lands owned, leased, controlled,~~
5 ~~or cooperatively managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife~~
6 ~~resources including those areas designated and posted as Wildlife Conservation Areas and those designated and posted~~
7 ~~as Colonial Waterbird Nesting Areas.~~

8 (a) For purposes of this Subchapter, the following definitions shall apply:

9 (1) “Wildlife Conservation Area” means any lands owned, leased, controlled, or cooperatively managed
10 by the Wildlife Resources Commission primarily for the conservation of nongame wildlife resources
11 including those areas designated and posted as Wildlife Conservation Areas and those designated
12 and posted as Waterbird Nesting Areas.

13 (2) "Other materials" means: all metals, minerals, rocks, soil, organic debris, buildings, fences,
14 archeological resources as defined in G.S. 70-12, and water.

15 (b) The Wildlife Resources Commission has identified and posted the following areas on Wildlife Conservation Areas
16 that have additional restrictions on entry or usage:

17 (1) On portions of Wildlife Conservation Areas posted as "Safety Zones" hunting is prohibited. No
18 person shall hunt or discharge a firearm or archery equipment as defined in 15A NCAC 10B .0116
19 within, into, or across a posted safety zone on any Wildlife Conservation Area. Falconry is exempt
20 from this provision.

21 (2) Portions of Wildlife Conservation Areas posted as "Restricted Zones" are closed to all use by the
22 public, and entry upon such an area for any purpose is prohibited without first having obtained
23 written approval of such entry or use from the Wildlife Resources Commission. Entry shall be
24 authorized only when such entry will not compromise the primary purpose for establishing the
25 Restricted Zone and the person or persons requesting entry are able to demonstrate a valid need or
26 such person is a contractor or agent of the Commission conducting official business. Valid needs
27 may include access to private property, scientific investigations, surveys, or other activities in the
28 public interest.

29
30 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-305; 113-306;*
31 *Eff. February 1, 1990;*
32 *Readopted Eff. August 1, 2023.*
33

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10J .0102

DEADLINE FOR RECEIPT: Wednesday, April 12, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

“Any”, “each”, “every”, “all”, and “some” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 11, 13, 16, 17, 18, 19, 20, and 21; and page 2, lines 4, 8, 11, and 13.

In Paragraph (a), an oxford comma should be added after “trapping”. Also, it should be added in Paragraph (c) after “county”.

Is “of each year” necessary in Paragraph (b)?

Why is Paragraph (e) necessary? Delete.

Is “the applicable” necessary on page 2, line 9?

Would it be clearer to state “or on waters within its boundaries” instead of “on their waters” in Paragraph (h)?

Does Subparagraph (h)(5) exempt permit holders from the entire Rule or only a certain part? This should be clarified.

Would “or” be the better conjunction, instead of “and” on page 3, line 1? Also, The comma after “animal parts” on page 3, line 11, seems unnecessary.

Are there better words/phrases to use instead of “sufficient” or “for the duration” in the final sentence of Paragraph (j)? This sentence is incredibly vague and ambiguous. How could this be enforced?

The statutes listed in “History Note: Authority” should be in numerical order. Also, I was unaware the WRC was promulgating rules before the year 200. Perhaps this rule was not amended in 200 and this is an error.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

1 15A NCAC 10J .0102 is readopted as published in 37:11 NCR 822 as follows:

2
3 **15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF CONSERVATION AREAS**

4 (a) ~~Trespass.~~ Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation,
5 hunting, trapping or fishing shall be as authorized by the landowner. ~~On those areas designated and posted as Colonial~~
6 ~~Waterbird Nesting Areas, entry is prohibited during the period of April 1 through August 31 of each year, except by~~
7 ~~written permission of the landowner. Entry into Colonial Waterbird Nesting Areas during the period of September 1~~
8 ~~through March 31 is as authorized by the landowner.~~

9 (b) Entry is prohibited above the high tide waterline from March 1 through September 15 of each year on areas
10 designated and posted as Waterbird Nesting Areas.

11 ~~(b)(c) Littering.~~ No person shall deposit any litter, trash, garbage, or other refuse at any place on any ~~wildlife~~
12 ~~conservation area~~ Wildlife Conservation Area, ~~except in receptacles provided for disposal of such refuse.~~ No garbage
13 dumps or sanitary landfills shall be established on any ~~wildlife conservation area~~ Wildlife Conservation Area by any
14 person, firm, corporation, county or municipality, except as permitted by the landowner.

15 ~~(e)(d) Use and possession of weapons.~~ No person shall discharge:

- 16 (1) any weapon from a vehicle;
17 (2) any weapon within 200 yards of any building or designated camping areas;
18 (3) any weapons within, into, or across a posted "safety zone;" or
19 (4) ~~a firearm~~ any weapons within, into, or across a posted "restricted zone."

20 No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting
21 waterfowl on any area designated as a ~~wildlife conservation area~~, Wildlife Conservation Area, except shotgun shells
22 containing lead buckshot may be used while deer hunting. ~~Every individual carrying a concealed handgun must adhere~~
23 ~~to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North~~
24 ~~Carolina.~~

25 ~~(d)(c) License Requirements:~~ All applicable hunting, trapping, and fishing license requirements shall apply on Wildlife
26 Conservation Areas.

27 (1) ~~Hunting and Trapping:~~

28 (A) ~~Requirement.~~ Except as provided in Part (d) (1)(B) of this Rule, any person entering upon
29 any designated wildlife conservation area for the purpose of hunting or trapping shall have
30 in his possession a game lands use license in addition to the appropriate hunting or trapping
31 licenses.

32 (B) ~~Exception.~~ A person under 16 years of age may hunt on designated wildlife conservation
33 areas on the license of his parent or legal guardian.

34 (2) ~~Trout Fishing.~~ Any person 16 years of age or over, including an individual fishing with natural bait
35 in the county of his residence, entering a designated wildlife conservation area for the purpose of
36 fishing in designated public mountain trout waters located thereon must have in his possession a
37 regular fishing license and special trout license. The resident and nonresident sportsman's licenses

~~and short term comprehensive fishing licenses include trout fishing privileges on designated wildlife conservation areas.~~

~~(e)(f) Training Dogs. Dogs shall not be trained on designated wildlife conservation areas during open hunting seasons for game animals or game birds thereon. Dogs are shall not allowed to enter any wildlife conservation area Wildlife Conservation Area designated and posted as a colonial waterbird nesting area Waterbird Nesting Area during the period of April from March 1 through August 31, September 15 above the high tide waterline.~~

~~(f)(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, and .0306 trapping of fur-bearing animals is permitted on any area designated and posted as a wildlife conservation area Wildlife Conservation Area during the applicable open seasons, except that trapping is prohibited:~~

- ~~(1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and~~
- ~~(2) in posted "safety zones" located on any Wildlife Conservation Area.~~

~~(h) The following is prohibited on areas designated as Wildlife Conservation Areas or on their waters:~~

- ~~(1) driving a motorized vehicle on any area posted against vehicular traffic;~~
- ~~(2) camping, unless designated by the landowner. On the coastal islands designated Wildlife Conservation Areas, camping is allowed except on those areas designated and posted as Waterbird Nesting Areas;~~
- ~~(3) swimming, except for the waters adjacent to coastal island Wildlife Conservation Areas;~~
- ~~(4) operating a vessel powered by internal combustion engine; and~~
- ~~(5) operating motorized land vehicles not licensed for highway use. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions;~~
- ~~(6) open fires.~~

~~(g) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.~~

~~(h) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except on those areas designated and posted as Colonial Waterbird Nesting Areas.~~

~~(i) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a person may swim in waters adjacent to coastal island wildlife conservation areas.~~

~~(j) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters located on designated wildlife conservation areas.~~

~~(k) Non Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions.~~

~~(l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson Cohen Wildlife Conservation Area.~~

~~(m)(i) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written~~

1 ~~authorization of the Wildlife Resources Commission. Releasing animals or birds, domesticated animals, and feral~~
 2 ~~animals on Wildlife Conservation Areas is prohibited except for:~~

3 (1) hunting dogs and raptors when permitted for hunting and training purposes; or

4 (2) with prior written authorization of the Wildlife Resources Commission.

5 ~~(n)(j) Possession and removal.~~ No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts,
 6 plants, plant materials, or other materials may be possessed on or removed from ~~conservation~~ Wildlife Conservation
 7 ~~areas~~ Areas without written permission from the ~~Commission.~~ Commission as specified in 15A NCAC 10J .0101. ~~For~~
 8 ~~purposes of this Rule, "other materials" includes all metals, minerals, rocks, soil, organic debris, buildings, fences,~~
 9 ~~historic artifacts and water.~~ Minimal amounts of animal parts, plant parts not removed from live plants, and other
 10 materials may be collected by hand and removed from Commission lands without written permission, except in
 11 violation of rules, general statutes, or federal law. Collection of animal parts, and plant parts not removed from live
 12 plants for commercial use or sale is prohibited. For purposes of this Subparagraph, "minimal amounts," are quantities
 13 that fit within a cubic foot of space, except for firewood to be used at posted camping areas. Minimal amounts of
 14 firewood are quantities sufficient to build and maintain a fire for the duration of the Wildlife Conservation Area user's
 15 stay at the campground.

16
 17 *History Note:* Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 113-296;
 18 113-297;
 19 Eff. February 1, 1990;
 20 Amended Eff. January 1, 2013; January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June
 21 1, 200;
 22 Readopted Eff. August 1, 2023.