

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: ALL RULES

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

Do any of the rules in this set fall under the joint jurisdiction of WRC and the Marine Fisheries Commission? If so, have they been adopted accordingly?

In any rule in which permits are mentioned, are the criteria under which one can obtain the permit included? This is particularly important in all of the game land rules.

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 10C .0205

DEADLINE FOR RECEIPT: Thursday, May 11, 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, 8, 10, 14, 25, 35; page 2, lines 3, 5, 6, 11, 20, 26, 32; page 4, line 36; page 7, lines 10, 24; page 9, line 28; page 10, line 15; page 11, line 12; page 13, line 9.

“Such” should be avoided. It appears on page 1, lines 26, 28, 30, 31, 33, 37.

Parenthesis, brackets, and backslashes are to be avoided if possible. These appear throughout the Rule. If able, please try to structure so that these can be avoided.

In Subparagraph (b)(3), on line 23, “that same day” is unnecessary. It may be better stated as “From 6:00 a.m. until noon on the first Saturday in June...”

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10C .0205 is amended with changes as published in 37:11 NCR 799 as follows:

2
3 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared
6 substances designed to attract fish by the sense of taste or smell.
- 7 (2) "Single hook" means a fish hook with only one point.
- 8 (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that
9 attracts fish by the sense of taste or smell.
- 10 (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or any
11 similar material to which no additional hook, spinner, spoon or similar device is added.
- 12 (5) "Youth anglers" are individuals under 18 years of age.

13 (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- 14 (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC
15 10D .0104.
- 16 (2) "Catch and Release/Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters
17 where only artificial flies and lures having one single hook may be used. No trout may be possessed
18 or harvested while fishing these streams. Waters designated as such include tributaries unless
19 otherwise noted.
- 20 (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and
21 one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful
22 to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout
23 while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day, only youth
24 anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday
25 in June until October 1, anglers of all ages may fish and these waters have no bait or lure restrictions.
26 Waters designated as such do not include tributaries unless otherwise noted.
- 27 (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure
28 restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- 29 (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific
30 regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
- 31 (6) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or
32 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person
33 shall possess natural bait while fishing these waters. Waters designated as such do not include
34 tributaries unless otherwise noted.
- 35 (7) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and
36 natural baits, except live fish, may be used provided they are fished using only one single hook.
37 Waters designated as such include tributaries unless otherwise noted.

1 (8) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure
2 restrictions.

3 (c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout in all waters are listed in Rule .0316 of this
4 Subchapter.

5 (d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on
6 game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters
7 are classified as Undesignated Waters.

8 (1) Alleghany

9 (A) Delayed Harvest Trout Waters are as follows:

10 Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128
11 and S.R. 1129 [marked by a sign on each bank])

12 (B) Hatchery Supported Trout Waters are as follows:

13 Big Pine Creek

14 Bledsoe Creek

15 Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against
16 trespassing)

17 Cranberry Creek

18 (Big) Glade Creek

19 Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129
20 [marked by a sign on each bank] to McCann Dam)

21 Meadow Fork

22 Pine Swamp Creek

23 Piney Fork

24 Prathers Creek

25 (C) Wild Trout Waters are as follows:

26 All waters located on Stone Mountain State Park

27 (2) Ashe County

28 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

29 Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)

30 (B) Delayed Harvest Trout Waters are as follows:

31 Big Horse Creek (S.R. 1324 bridge to North Fork New River)

32 Helton Creek (900 yards upstream of SR 1372 bridge [marked by a sign on each bank] to
33 North Fork New River)

34 South Fork New River (upstream end of Todd Island to the SR 1351 bridge)

35 Trout Lake

36 (C) Hatchery Supported Trout Waters are as follows:

37 Beaver Creek (N.C. 221 to confluence of Beaver Creek and South Beaver Creek)

- 1 Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
- 2 Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
- 3 Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
- 4 Cranberry Creek (Alleghany Co. line to South Fork New River)
- 5 Nathans Creek
- 6 North Fork New River (Watauga Co. line to Sharp Dam)
- 7 Old Fields Creek (N.C. 221 to South Fork New River)
- 8 Peak Creek (~~headwaters to~~ Upper boundary of NCDA-NCSU Upper Mountain Research
- 9 Station to Trout Lake, except Blue Ridge Parkway waters) Lake)
- 10 Roan Creek
- 11 Three Top Creek
- 12 (3) Avery County
- 13 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- 14 Elk River (portion on Lees-McRae College property, excluding the millpond)
- 15 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- 16 Wilson Creek (game land portion)
- 17 (B) Hatchery Supported Trout Waters are as follows:
- 18 Boyde Coffey Lake
- 19 Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state
- 20 line)
- 21 Linville River S.R. 1504 to the Blue Ridge Parkway boundary line, except where posted
- 22 against trespassing)
- 23 Milltimber Creek
- 24 North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family
- 25 Recreational Park, except where posted against trespassing)
- 26 North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against
- 27 trespassing)
- 28 Squirrel Creek
- 29 Wildcat Lake
- 30 (C) Wild Trout Waters are as follows:
- 31 Birchfield Creek
- 32 Cow Camp Creek
- 33 Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
- 34 Gragg Prong
- 35 Horse Creek
- 36 Kentucky Creek
- 37 North Harper Creek

- 1 Plumtree Creek
- 2 Roaring Creek
- 3 Rockhouse Creek
- 4 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
- 5 South Harper Creek
- 6 Webb Prong
- 7 (4) Buncombe County
 - 8 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
 - 9 Carter Creek (game land portion)
 - 10 (B) Hatchery Supported Trout Waters are as follows:
 - 11 Bent Creek (headwaters to N.C. Arboretum boundary line)
 - 12 Cane Creek (headwaters to S.R. 3138 bridge)
 - 13 Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
 - 14 Dillingham Creek (Corner Rock Creek to Ivy Creek)
 - 15 Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge)
 - 16 Lake Powhatan
 - 17 Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against
 - 18 trespassing)
 - 19 Rich Branch (downstream from the confluence with Rocky Branch)
 - 20 Stony Creek
 - 21 Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C.
 - 22 81 and U.S. 74A in Asheville], except where posted against trespassing)
- 23 (5) Burke County
 - 24 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
 - 25 Henry Fork (portion on South Mountains State Park)
 - 26 (B) Delayed Harvest Trout Waters are as follows:
 - 27 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
 - 28 (C) Hatchery Supported Trout Waters are as follows:
 - 29 Carroll Creek (game land portion above S.R. 1405)
 - 30 Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
 - 31 Linville River portion within Linville Gorge Wilderness area and portion below Lake
 - 32 James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
 - 33 (D) Special Regulation Trout Waters are as follows:
 - 34 Catawba River (Muddy Creek to City of Morganton water intake dam)
 - 35 (E) Wild Trout Waters are as follows:
 - 36 All waters located on South Mountains State Park, except those waters identified in Parts
 - 37 A and B of this Subparagraph

- 1 (6) Caldwell County
- 2 (A) Delayed Harvest Trout Waters are as follows:
- 3 Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
- 4 (B) Hatchery Supported Trout Waters are as follows:
- 5 Boone Fork Pond
- 6 Buffalo Creek (mouth of Joes Creek to McCloud Branch)
- 7 Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
- 8 Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted
- 9 against trespassing)
- 10 Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
- 11 (C) Wild Trout Waters are as follows:
- 12 Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
- 13 Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
- 14 Rockhouse Creek
- 15 (7) Cherokee County
- 16 (A) Hatchery Supported Trout Waters are as follows:
- 17 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
- 18 Hyatt Creek (Big Dam Branch to Valley River)
- 19 Junaluska Creek (Ashturn Creek to Valley River)
- 20 Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
- 21 Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
- 22 (B) Special Regulation Trout Waters are as follows:
- 23 Apalachia Reservoir
- 24 (C) Wild Trout Waters/Natural Bait are as follows:
- 25 Bald Creek (game land portion)
- 26 Dockery Creek (game land portion)
- 27 (8) Clay County
- 28 (A) Delayed Harvest Trout Waters are as follows:
- 29 Fires Creek (Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area)
- 30 (B) Hatchery Supported Trout Waters are as follows:
- 31 Buck Creek (game land portion downstream of U.S. 64 bridge)
- 32 Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
- 33 Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- 34 (9) Graham County
- 35 (A) Delayed Harvest Trout Waters are as follows:
- 36 (Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
- 37 (B) Hatchery Supported Trout Waters are as follows:

- 1 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- 2 Cheoah Reservoir
- 3 Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
- 4 Santeetlah Creek (Johns Branch to Lake Santeetlah)
- 5 (Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
- 6 Stecoah Creek (upper game land boundary to Lake Fontana)
- 7 Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
- 8 West Buffalo Creek
- 9 Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
- 10 (C) Wild Trout Waters are as follows:
- 11 Little Buffalo Creek
- 12 South Fork Squally Creek
- 13 Squally Creek
- 14 (D) Wild Trout Waters/Natural Bait are as follows:
- 15 Long Creek (game land portion)
- 16 (10) Haywood County
- 17 (A) Delayed Harvest Trout Waters are as follows:
- 18 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake
- 19 Logan)
- 20 (B) Hatchery Supported Trout Waters are as follows:
- 21 Cold Springs Creek (Fall Branch to Pigeon River)
- 22 Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against
- 23 trespassing)
- 24 Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
- 25 Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
- 26 West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands,
- 27 except Middle Prong)
- 28 ~~(C) Wild Trout Waters/Natural Bait are as follows:~~
- 29 ~~Hurricane Creek~~
- 30 (11) Henderson County
- 31 (A) Delayed Harvest Trout Waters are as follows:
- 32 North Fork Mills River (game land portion below the Hendersonville watershed dam)
- 33 (B) Hatchery Supported Trout Waters are as follows:
- 34 (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
- 35 Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
- 36 Clear Creek (Laurel Fork to S.R. 1582)
- 37 Green River (Lake Summit powerhouse to game land boundary)

- 1 (Big) Hungry River (S.R. 1885 to Green River)
- 2 (12) Jackson County
- 3 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- 4 Flat Creek
- 5 (East Fork) Tuckasegee River (game lands portion upstream of Tanasee Creek
- 6 Lake, including Duke Energy powerline corridor)
- 7 Tuckasegee River (upstream from the Clark property)
- 8 (B) Delayed Harvest Trout Waters are as follows:
- 9 Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of
- 10 the U.S. 23-441 bridge [marked by a sign on each bank])
- 11 (C) Hatchery Supported Trout Waters are as follows:
- 12 Balsam Lake
- 13 Bear Creek Lake
- 14 Cedar Cliff Lake
- 15 Cullowhee Creek (Tilley Creek to Tuckasegee River)
- 16 Dark Ridge Creek (Jones Creek to Scott Creek)
- 17 Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
- 18 Savannah Creek (Shell Branch to Cagle Branch)
- 19 Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against
- 20 trespassing)
- 21 Tanasee Creek Lake
- 22 Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
- 23 Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge
- 24 [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)
- 25 Wolf Creek Lake
- 26 (D) Wild Trout Waters are as follows:
- 27 Gage Creek
- 28 North Fork Scott Creek
- 29 Tanasee Creek
- 30 Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- 31 Wolf Creek (except Balsam Lake and Wolf Creek Lake)
- 32 (E) Wild Trout Waters/Natural Bait are as follows:
- 33 Chattooga River (S.R. 1100 bridge to the South Carolina state line)
- 34 ~~Scotsman Creek (game land portion)~~
- 35 (13) Macon County
- 36 (A) Delayed Harvest Trout Waters are as follows:
- 37 Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)

- 1 (B) Hatchery Supported Trout Waters are as follows:
2 Burningtown Creek (Left Prong to Little Tennessee River)
3 Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
4 Cliffside Lake
5 Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
6 Nantahala River — upper (Dicks Creek to Whiteoak Creek)
7 Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
8 Queens Creek Lake

- 9 (C) Wild Trout Waters/Natural Bait are as follows:
10 Chattooga River (S.R. 1100 bridge to South Carolina state line)
11 Kimsey Creek
12 Park Creek
13 ~~Tellico Creek (game land portion)~~
14 ~~Turtle Pond Creek (game land portion)~~

15 (14) Madison County

- 16 (A) Delayed Harvest Trout Waters are as follows:
17 Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
18 Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
19 Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews
20 Ave.)
21 (B) Hatchery Supported Trout Waters are as follows:
22 Big Laurel Creek (Puncheon Fork to the S.R. 1318 [Big Laurel Rd.] bridge downstream of
23 Bearpen Branch)
24 Big Pine Creek (S.R. 1151 bridge to French Broad River)
25 Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence
26 with Ivy Creek at Forks of Ivy)
27 Max Patch Pond
28 Meadow Fork Creek (Meadow Fork Campground to Spring Creek)
29 Puncheon Fork (Wolf Laurel Branch to Big Laurel Creek)
30 Roaring Fork (Fall Branch to Meadow Fork)
31 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
32 Shut-in Creek
33 Spillcorn Creek
34 Spring Creek (junction of N.C. 209 and N.C. 63 to the confluence with Meadow Fork)
35 West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in
36 Creek)
37 (C) ~~Wild Trout Waters/Natural Bait are as follows:~~

- 1 ~~Big Creek (headwaters to the lower game land boundary)~~
- 2 (15) McDowell County
- 3 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- 4 Newberry Creek (game land portion)
- 5 (B) Delayed Harvest Trout Waters are as follows:
- 6 Catawba River (portion adjacent to Marion Greenway)
- 7 Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
- 8 Mill Creek (U.S. 70 bridge to I-40 bridge)
- 9 (C) Hatchery Supported Trout Waters are as follows:
- 10 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
- 11 Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
- 12 Little Buck Creek (game land portion)
- 13 North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
- 14 (16) Mitchell County
- 15 (A) Delayed Harvest Trout Waters are as follows:
- 16 Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
- 17 North Toe River (U.S. 19E bridge to N.C. 226 bridge)
- 18 (B) Hatchery Supported Trout Waters are as follows:
- 19 Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
- 20 Cane Creek (S.R. 1219 to N.C. 226 bridge)
- 21 East Fork Grassy Creek
- 22 Grassy Creek (East Fork Grassy Creek to mouth)
- 23 Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against
- 24 trespassing)
- 25 North Toe River (Avery Co. line to S.R. 1121 bridge)
- 26 (C) Wild Trout Waters are as follows:
- 27 Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
- 28 Little Rock Creek (above Green Creek bridge, including all tributaries, except where
- 29 posted against trespassing)
- 30 Wiles Creek (game land boundary to mouth)
- 31 (17) Polk County
- 32 (A) Delayed Harvest Trout Waters are as follows:
- 33 Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
- 34 (B) Hatchery Supported Trout Waters are as follows:
- 35 Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
- 36 North Pacolet River (Joels Creek to N.C. 108 bridge)
- 37 (18) Rutherford County

- 1 (A) Hatchery Supported Trout Waters are as follows:
2 (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted
3 against trespassing)
- 4 (19) Stokes County
- 5 (A) Hatchery Supported Trout Waters are as follows:
6 Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- 7 (20) Surry County
- 8 (A) Delayed Harvest Trout Waters are as follows:
9 Ararat River (portion adjacent to the Ararat River Greenway)
10 Mitchell River (0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R.
11 1330)
- 12 (B) Hatchery Supported Trout Waters are as follows:
13 Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
14 Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards
15 downstream of N.C. 268 [marked by a sign on each bank])
16 Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)
17 Little Fisher River (Virginia state line to N.C. 89 bridge)
18 Lovills Creek (U.S. 52 Business bridge to Ararat River)
19 Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- 20 (21) Swain County
- 21 (A) Delayed Harvest Waters Trout Waters are as follows:
22 Tuckasegee River (U.S. 19 bridge to Slope Street bridge)
- 23 (B) Hatchery Supported Trout Waters are as follows:
24 Alarka Creek (game land boundary to Fontana Reservoir)
25 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
26 Cheoah Reservoir
27 Connelly Creek (Camp Branch to Tuckasegee River)
28 Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
29 Nantahala River (Macon Co. line to existing Fontana Lake water level)
- 30 (22) Transylvania County
- 31 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
32 Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek
33 and Grogan ~~Creek~~ Creek, Cedar Rock Creek and John Rock Branch, [tributary tributary
34 to the Davidson River at Bobby N. Setzer State Fish Hatchery] [Hatchery] and John Rock
35 Branch]
- 36 (B) Delayed Harvest Trout Waters are as follows:

- 1 East Fork French Broad River (East Fork Baptist Church to the downstream S.R. 1107
2 bridge)
- 3 Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- 4 (C) Hatchery Supported Trout Waters are as follows:
- 5 Davidson River (Avery Creek to lower USFS boundary)
- 6 French Broad River (confluence of North Fork French Broad River and West Fork)
- 7 French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
- 8 Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
- 9 West Fork French Broad River (S.R. 1312 to confluence with North Fork French Broad
10 River)
- 11 (D) Wild Trout Waters are as follows:
- 12 All waters located on Gorges State Park
- 13 Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- 14 (E) Wild Trout Waters/Natural Bait are as follows:
- 15 North Fork French Broad River (game land portion downstream of S.R. 1326)
- 16 Thompson River (S.R. 1152 to South Carolina state line, except where posted against
17 trespassing)
- 18 (23) Watauga County
- 19 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- 20 Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding
21 tributaries)
- 22 Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee
23 Lake)
- 24 (B) Delayed Harvest Trout Waters are as follows:
- 25 Lake Coffey
- 26 Watauga River – upper (S.R. 1114 bridge to Valle Crucis Community Park lower boundary)
- 27 Watauga River – lower (S.R. 1103 bridge to confluence with Laurel Creek)
- 28 (C) Hatchery Supported Trout Waters are as follows:
- 29 Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an
30 unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
- 31 Beech Creek
- 32 Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
- 33 Buckeye Creek Reservoir
- 34 Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
- 35 Dutch Creek (~~second bridge on S.R. 1134~~ (S.R. 1136 bridge to mouth)
- 36 Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against
37 trespassing)

- 1 Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
- 2 Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
- 3 Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork
- 4 New River)
- 5 Norris Fork Creek
- 6 South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower
- 7 boundary of Brookshire Park)
- 8 Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
- 9 (D) Wild Trout Waters are as follows:
- 10 Dutch Creek (headwaters to ~~second bridge on S.R. 1134~~ S.R. 1136 bridge)
- 11 Howard Creek
- 12 Maine Branch (headwaters to North Fork New River)
- 13 North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
- 14 Watauga River (Avery Co. line to S.R. 1580 bridge)
- 15 Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
- 16 (24) Wilkes County
- 17 (A) Delayed Harvest Trout Waters are as follows:
- 18 East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park
- 19 lower boundary)
- 20 Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
- 21 Elk Creek — lower (portion on Leatherwood Mountains development)
- 22 Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin
- 23 River)
- 24 Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong
- 25 Roaring River and Bullhead Creek)
- 26 (B) Hatchery Supported Trout Waters are as follows:
- 27 Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
- 28 Bell Branch Pond
- 29 Boundary Line Pond
- 30 Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
- 31 Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence
- 32 with North Fork Reddies River)
- 33 East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
- 34 Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where
- 35 posted against trespassing)
- 36 Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)
- 37 Middle Prong Roaring River (headwaters to second bridge on S.R. 1736)

- 1 North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R.
- 2 1559)
- 3 Pike Creek
- 4 Pike Creek Pond
- 5 South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies
- 6 River)
- 7 South Prong Lewis Fork (Fall Creek to U.S. 421 bridge adjacent to S.R. 1155 intersection)
- 8 (C) Wild Trout Waters are as follows:
- 9 All waters located on Stone Mountain State Park, except East Prong Roaring River from
- 10 Bullhead Creek downstream to the Stone Mountain State Park lower boundary where
- 11 Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at
- 12 Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek
- 13 in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- 14 (25) Yancey County
- 15 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- 16 South Toe River (headwaters to Upper Creek)
- 17 Upper Creek
- 18 (B) Delayed Harvest Trout Waters are as follows:
- 19 Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
- 20 (C) Hatchery Supported Trout Waters are as follows:
- 21 Bald Mountain Creek (except where posted against trespassing)
- 22 Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
- 23 Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
- 24 South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park,
- 25 except where posted against trespassing)
- 26 (D) Wild Trout Waters are as follows:
- 27 Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
- 28 Lickskillet Creek
- 29 Middle Creek (game land boundary to mouth)

31 *History Note: Authority G.S. 113-272; 113-292;*
 32 *Eff. February 1, 1976;*
 33 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
 34 *October 1, 1992;*
 35 *Temporary Amendment Eff. July 1, 1999;*
 36 *Amended Eff. July 1, 2000;*
 37 *Temporary Amendment Eff. July 1, 2001;*

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Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,
2003);
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014;
August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May
1, 2007; May 1, 2006; June 1, 2005;
Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0206

DEADLINE FOR RECEIPT: Thursday, May 11, 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 13, 14, 20, 22, 24, 26.

In Paragraph (g), “at least” is unnecessary and should be removed.

In the History Note, page 1, line 37, the date is missing a digit.

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

1 15A NCAC 10C 0206 is with changes amended as published in 37:11 NCR 806 as follows:

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3 **15A NCAC 10C .0206 TROTTLINES, JUG HOOKS AND SET HOOKS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) **"set"** **"Set** hook" means a fishing device consisting of a single line having no more than three hooks
6 that is attached at one end only to a stationary object.
- 7 (2) **"jug"** **"Jug** hook" means a fishing device consisting of a single line having no more than three hooks
8 that is attached to a float.
- 9 (3) **"trotline"** **"Trotline"** means a fishing device consisting of a horizontal common line having multiple
10 hooks attached.

11 (b) Trotlines, jug hooks, and set hooks may be set in the inland waters of North Carolina, provided no live bait is
12 used, except that they:

- 13 (1) may not be set in any of the impounded waters on the Sandhills Game Land;
- 14 (2) may not be set in any designated public mountain trout waters except impounded waters of power
15 reservoirs and municipally-owned water supply reservoirs open to the public for fishing; **and**
- 16 (3) in Lake Waccamaw, trotlines, jug hooks, or set hooks may be set only from October 1 through ~~April~~
17 **30. April 30; and**
- 18 (4) in the Roanoke River, trotlines, jug hooks, or set hooks may only be set from July 1 through March
19 31.

20 (c) Each trotline, set hook, and jug hook shall bear legible and indelible identification of the user's name and address
21 or the user's Wildlife Resources Commission customer number.

22 (d) Each trotline and set hook shall be conspicuously marked at each end with a flag, float, or other prominent object
23 so that its location is readily discernible by boat operators and swimmers.

24 (e) Trotlines shall be set parallel to the nearest shore in all inland fishing waters unless otherwise prohibited.

25 (f) The number of jug hooks that may be fished is limited to 70 per boat.

26 (g) All trotlines, set hooks, and jug hooks shall be fished at least once daily with all fish removed.

27 (h) Trotlines, set hooks, and jug hooks without bait or not labeled as described in this Paragraph may be removed
28 from the water by wildlife enforcement officers.

29 (i) It is unlawful to use metal cans or glass jugs as floats.

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31 *History Note: Authority G.S. 113-134; 113-272; 113-292;*

32 *Eff. February 1, 1976;*

33 *Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982;*

34 *Temporary Amendment Eff. July 1, 2002;*

35 *Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013; May 1, 2008; June 1, 2005; August*
36 *1, 2002;*

37 *Readopted Eff. October 1, 202;*

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Amended Eff. August 1, 2023.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0302

DEADLINE FOR RECEIPT: Thursday, May 11, 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 Paragraph (c), “pursuant to” should be used instead of “under”.

In Subparagraph (c)(1), “such” should be avoided if possible. Also, in (c)(2), parenthesis should be avoided.

“All” 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 and 15.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10C .0302 is amended as published in 37:11 NCR 807 as follows:

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3 **15A NCAC 10C .0302 MANNER OF TAKING INLAND GAME FISHES**

4 (a) Inland game fishes may only be taken with hook and line unless otherwise provided.

5 (b) Landing nets may be used to land fishes caught on hook and line.

6 (c) Game fishes taken incidental to the use of special devices for taking nongame fishes from inland fishing waters
7 as authorized in 15A NCAC 10C .0402 or as authorized by 15A NCAC 10C .0407 by anglers licensed under G.S.
8 113-272.2(c) shall be immediately returned to the water unharmed except:

9 (1) that a daily creel limit of American and hickory shad may be taken with dip nets and bow nets from
10 March 1 through April 30 in those waters where such gear may be lawfully used; and

11 (2) white perch may be taken when captured in a cast net being used to collect nongame fishes in all
12 impounded waters west of Interstate 95 and in the Tar River Reservoir (Nash County).

13 (d) Inland game fishes taken from Inland Fishing Waters shall not be sold.

14 (e) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless circle hook may be
15 used when fishing with live or natural bait from April 1 to June 30. With all other tackle, only a single barbless hook
16 or a lure with a single barbless hook may be used. used from 1 April to 30 June. "Circle hook" as used in this Rule
17 means a hook with the point turned perpendicularly back to the shank. "Barbless" as used in this Rule requires that
18 the hook does not have a barb or the barb is bent down.

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20 *History Note: Authority G.S. 113-134; 113-272.3; 113-292;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. July 1, 1996; October 1, 1994; July 1, 1993; May 1, 1992; January 1, 1982;*

23 *Temporary Amendment Eff. November 1, 1998;*

24 *Amended Eff. August 1, 2014; August 1, 2002; April 1, 1999;*

25 *Readopted Eff. October 1, 2021;*

26 *Amended Eff. August 1, 2023; March 15, 2023.*

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0306

DEADLINE FOR RECEIPT: Thursday, May 11, 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 (f)(5), “associated canals” is unclear. What is meant exactly? This should be clarified.

Parentheses are to be avoided if possible. These appear on page 1, lines 20 and 21. If able, please try to structure so that these can be avoided.

“All” 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 22 through 29 and 31.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10C .0306 is amended as published in 37.11 NCAC 807 as follows:

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15A NCAC 10C .0306 CRAPPIE

(a) There is no daily creel limit for Crappie, except for waters identified in Paragraphs (d) through (h) of this Rule.

(b) There is no minimum size limit except in waters identified in Paragraphs (f) through (h) of this Rule.

(c) There is no closed season.

(d) In Buckhorn Reservoir in Wilson and Nash counties, the daily creel limit is 20 fish.

(e) In Lake Chatuge in Clay County, the daily creel limit is 30 fish.

(f) In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:

~~(1) — B. Everett Jordan Reservoir;~~

~~(2)~~(1) Roanoke River and its tributaries downstream of Roanoke Rapids dam;

~~(3)~~(2) Cashie River and its tributaries;

~~(4)~~(3) Middle River and its tributaries;

~~(5)~~(4) Eastmost River and its tributaries; and

~~(6)~~(5) Lake Mattamuskeet and associated canals in Hyde County.

(g) In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:

(1) Lake Norman;

(2) Lake Hyco;

(3) Lake Ramseur;

(4) Cane Creek Lake (Union County);

(5) Lake Hampton (Yadkin County);

(6) Tar River downstream of Tar River Reservoir Dam and all tributaries;

(7) Neuse River downstream of Falls Lake Dam and all tributaries;

(8) Haw River downstream of Jordan Lake Dam and all tributaries;

(9) Deep River downstream of Lockville Dam and all tributaries;

(10) Cape Fear River and all tributaries;

(11) Waccamaw River downstream of Lake Waccamaw Dam and all tributaries;

(12) Lumber River including Drowning Creek and all tributaries;

(13) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (f) of this Rule; ~~and~~

(14) all public waters west of Interstate 77, except Lake ~~Chatuge~~. Chatuge; ~~and~~

(15) B. Everett Jordan Reservoir.

(h) In John H. Kerr Reservoir, the daily creel limit is 25 fish and the minimum size limit is nine inches.

History Note: Authority G.S. 113-134; 113-292;
Eff. November 1, 2013;
Amended Eff. August 1, 2017; August 1, 2016; August 1, 2015;

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Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2023; March 15, 2023; August 1, 2020.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0314

DEADLINE FOR RECEIPT: Thursday, May 11, 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” and “all” 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, line 23, and page 2, line 9.

In Paragraph (m), lines 4 and 5, parenthesis should be avoided.

In Paragraph (n), “pursuant to” should be used instead of “under”.

The two Paragraphs on page 2, designated as (m) and (n), appear to be mis-designated. The wrong letters were underline and the wrong letters were struck through.

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

1 15A NCAC 10C .0314 is amended with changes as published in 37:11 NCAC 808 as follows:

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3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for striped bass and its hybrids is four fish in the aggregate, except in waters identified in
5 Paragraphs (d) and (g) through ~~(h)~~ (m) of this Rule.

6 (b) The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (d) through ~~(h)~~ (m)
7 of this Rule.

8 (c) There is no closed season, except for waters identified in Paragraphs (i) through (m) of this Rule.

9 (d) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA
10 and in John H. Kerr Reservoir, the daily creel limit on striped bass and its hybrids is two in the aggregate and the
11 minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel
12 limit on striped bass and its hybrids is four in the aggregate with no minimum size limit.

13 (e) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for striped bass and its hybrids is 20 inches
14 from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

15 (f) In Hycy Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend,
16 and Salem Lake the minimum size limit for striped bass and its hybrids is 16 inches.

17 (g) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but
18 only two may be greater than 22 inches.

19 (h) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to
20 the South Carolina state line, the daily creel limit for striped bass and its hybrids is three fish in the aggregate, and the
21 minimum size limit is 18 inches.

22 (i) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to
23 the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of
24 Interstate 95 not specified in Paragraphs (h) and (j) through (l) of this Rule, the daily creel limit for striped bass and
25 its hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and
26 possessing striped bass is closed from May 1 through September 30.

27 (j) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in [The
28 the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing striped bass
29 is closed year-round.

30 [(k) In the inland fishing waters of the Cape Fear River from Lock and Dam 1 upstream to Buckhorn Dam and its
31 tributaries, the daily creel limit for striped bass and its hybrids is two fish. The minimum size limit is 18 inches. In
32 these waters, the season for taking and possessing Striped Bass is closed from May 1 through the last day in February.]

33 (k)[~~(h)~~] In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in
34 15A NCAC 03R .0201 and identified in ~~15A NCAC 10C .011~~, 15A NCAC 10C .0110 which includes the Roanoke,
35 Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and
36 its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream
37 to Roanoke Rapids Lake ~~dam.~~ Dam. During the open season, the daily creel limit for striped bass and its hybrids is

1 one fish in the aggregate, and the minimum size limit is 18 inches. No fish ~~between~~ over 22 inches ~~and 27 inches~~ in
2 length shall be possessed in the daily creel limit.

3 ~~(4)(m)~~ In designated inland and joint fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan
4 River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and
5 Cashie River and their tributaries), the striped bass fishing season, size limits, and creel limits are the same as those
6 established by rules or proclamations of the Marine Fisheries Commission in adjacent coastal fishing waters.

7 ~~(m)(n)~~ In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend or extend the hook-
8 and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to
9 violate the provisions of any proclamation issued under this authority.

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11 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

12 *Eff. November 1, 2013;*

13 *Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

14 *Readopted Eff. August 1, 2019;*

15 *Amended Eff. August 1, 2021; August 1, 2020;*

16 *Temporary Amendment Eff. November 30, 2021;*

17 *Amended Eff. August 1, 2022;*

18 *Temporary Amendment Eff. September 1, 2022;*

19 *Amended Eff. August 1, 2023; March 15, 2023.*

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0401

DEADLINE FOR RECEIPT: Thursday, May 11, 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” and “all” 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, 12, 13, and 23.

In Subparagraph (d)(1), “shall” should be used instead of “can”.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10C .0401 is amended as published in 37:11 NCR 808 as follows:

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3 **15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES**

4 (a) Except as permitted by the rules in this Section, no person shall take nongame fishes from the inland fishing waters
5 of North Carolina in any manner other than with hook and line, grabbling, or special device with a special device
6 fishing license, or inland fishing license.

7 (b) Nongame fishes may be taken from inland fishing waters at any time without restriction as to size limits or creel
8 limits, except as specified in this Section.

9 (c) Special devices used with a special device fishing license shall only be used in those counties and waters with
10 open season designated in 15A NCAC 10C .0407.

11 (d) Archery equipment used with either a hunting license or inland fishing license may be used to take nongame fishes
12 year-round in all inland fishing waters, except:

13 (1) in the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and in all
14 tributaries, where only catfish can be taken;

15 (2) in impounded waters located on the Sandhills Game Land; and

16 (3) in public mountain trout waters.

17 (e) Set hooks, jug hooks, and trotlines may be used to take nongame fishes as designated in 15A NCAC 10C .0206.

18 (f) The season for taking nongame fishes by hook and line in designated public mountain trout waters is the same as
19 the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

20 (g) Nongame fishes taken by hook and line, grabbling, or by special device with a special device fishing license may
21 be sold unless otherwise specified in this Section.

22 (h) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless circle hook may be
23 used when fishing with live or natural bait from April 1 to June 30. With all other tackle, only a single barbless hook
24 may be used. "Circle hook" as used in this Rule means a hook with the point turned perpendicularly back to the shank.
25 "Barbless" as used in this Rule requires that a hook does not have a barb or the barb is bent down.

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28 *History Note: Authority G.S. 113-134; 113-272; 113-292;*

29 *Eff. February 1, 1976;*

30 *Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;*

31 *Temporary Amendment Eff. December 1, 1994;*

32 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;*

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

34 *Amended Eff. July 1, 2000;*

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

36 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

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

1 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
2 *2003);*

3 *Amended Eff. August 1, 2019; August 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*
4 *August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
5 *1, 2007; May 1, 2006; June 1, 2005;*

6 *Readopted Eff. August 1, 2020;*

7 *Amended Eff. August 1, 2021;*

8 *Temporary Amendment Eff. September 1, 2022;*

9 *Amended Eff. August 1, 2023; March 15, 2023.*

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0102

DEADLINE FOR RECEIPT: Thursday, May 11, 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, 6, 15, 16, 19; page 2, line 15; page 3, lines 7, 8, 15, 22, 24, 26, 28, 29, 31, 32; page 4, lines 1, 3, 6, 10, 12, 24, 26, 31, 36; page 5, lines 15, 17; page 6, lines 3, 24, 29, 30, 31, 32; page 7, lines 1, 6, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 24, 26, 27, 33, 35; page 8, line 1.

What does “applicable” mean? Define or delete. It appears on page 1, line 16; page 4, line 22. Also, what does “appropriate” mean? Define or delete. It appears on page 3, lines 9 and 16.

Use “with” or “including” instead of “accompanied by”. It appears on page 3, line 25; page 6, line 3. Also, instead of using “for the purpose of hunting, trapping,” etc., use “to hunt, trap,” etc. This appears on page 3, line 8; page 7, line 28.

“Shall” should be used instead of “can”. It appears on page 4, lines 17 and 23; page 6, line 34; page 7, line 15.

On page 4, line 1, and page 7, line 10, “provided, that” is unclear. Is there a better way to convey your aim?

“Such” should be avoided. It appears on page 1, line 23; page 4, lines 6 and 15; page 6, lines 11, 26; page 7, lines 10, 14, 16, 17, 26, 28; page 8, line 2.

“Upon” should be avoided. It appears on page 1, line 23; page 3, line 7; page 4, line 2; page 6, line 21. “Under” should be changed to “pursuant to”. This appears on page 6, lines 4, 18, 21, 32. “At least” should be avoided, such as on page 7, line 26.

In Subparagraph (g)(3), the “and” at the end is unnecessary.

Parentheses are to be avoided if possible, such as on page 7, line 21.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0102 is readopted with changes as published in 37:11 NCR 810 as follows:

2
3 **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

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

- 5 (1) "Permanent Hunting Blind" means any structure that is used for hunter concealment, constructed
6 from manmade or natural materials, and that is not disassembled and removed at the end of each
7 day's hunt.
8 (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or
9 self-defense.
10 (3) "Youth" means individuals under 18 years of age.

11 (b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the
12 landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional
13 restrictions on entry or usage:

- 14 (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and
15 arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days
16 of any applicable deer season.
17 (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person
18 shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on
19 any game land. Falconry is exempt from this provision.
20 (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use
21 of centerfire rifles is prohibited.
22 (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to ~~all~~ use by the
23 ~~general~~ public, and entry upon such an area ~~for any purpose~~ is prohibited without ~~first having~~
24 ~~obtained~~ written approval ~~of such entry or use~~ from ~~an authorized agent of~~ the Wildlife Resources
25 Commission. ~~Entry shall be authorized only. The Commission may authorize entry~~ when ~~such entry~~
26 ~~will not compromise~~ the primary purpose for ~~establishing~~ the Restricted Zone ~~shall not be~~
27 ~~compromised~~, and the ~~person or~~ persons requesting entry ~~are able to~~ demonstrate a valid need or
28 ~~such person is a contractor or agent of the Commission conducting~~ official ~~business of the~~
29 ~~Commission is being conducted by a contractor or agent of the Commission.~~ ~~business.~~ "Valid need"
30 ~~Valid needs may include~~ ~~includes issues of~~ access to private property, scientific investigations,
31 surveys, or other access to conduct activities in the public interest.
32 (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are
33 closed to ~~all~~ use by the ~~general~~ public, and entry ~~upon such an area for any purpose~~ is prohibited
34 without ~~first having obtained~~ written approval ~~of such entry or use~~ from ~~an authorized agent of~~
35 the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted
36 Zone when there is a danger to the health or welfare of the public.

- 1 (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge
2 of firearms or bow and arrow is prohibited.
- 3 (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting
4 Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S.
5 113-264(d).
- 6 (8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the
7 ~~general~~ public shall be prohibited from sunset to sunrise.
- 8 (9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to ~~all~~
9 use by the ~~general~~ public during the dates specified on the sign, and entry ~~upon such an area for any~~
10 ~~purpose~~ is prohibited without ~~first obtaining~~ written approval ~~of such entry or use~~ from ~~an authorized~~
11 ~~agent of~~ the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

12 The Commission shall conduct a public input meeting in the area where the game land is located before establishing
13 the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the
14 input meeting, the public comments shall be presented at an official Commission meeting for final determination.

15 (c) Littering. No person shall deposit any litter, trash, garbage, or other refuse ~~at any place~~ on any game land except
16 in receptacles provided for disposal of ~~such~~ refuse at designated camping and target-shooting areas. No garbage dumps
17 or sanitary landfills shall be established on ~~any a~~ game land by ~~any a~~ person, firm, corporation, county, or municipality,
18 except as permitted by the landowner.

19 (d) Use of weapons. No person shall discharge:

- 20 (1) ~~any a~~ weapon within 150 yards of ~~any a~~ game land building or designated game land camping area,
21 except where posted otherwise;
- 22 (2) ~~any a~~ weapon within 150 yards of ~~any a~~ residence located on or adjacent to game lands, except on
23 Butner-Falls of Neuse and Jordan game lands; and
- 24 (3) ~~any a~~ firearm within 150 yards of ~~any a~~ residence located on or adjacent to Butner-Falls of Neuse
25 and Jordan Game Lands.

26 No person shall hunt with or have in possession ~~any a~~ shotgun shell containing lead or toxic shot while hunting on
27 ~~any a~~ posted waterfowl impoundment on ~~any a~~ game land, except shotgun shells containing lead buckshot may be
28 used while deer hunting. ~~Every individual~~ ~~Individuals~~ carrying a concealed handgun shall adhere to the requirements
29 set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-
30 Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows
31 and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III,
32 Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may
33 be accessed at www.ecfr.gov at no cost. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game
34 lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is
35 located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or
36 closed hunting days for game birds or game animals, except under the following conditions:

- 1 (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length
- 2 and shooting only short, long, or long rifle ammunition carried as a side arm;
- 3 (2) the firearm is cased or not immediately available for use;
- 4 (3) the firearm is used by persons participating in field trials on field trial areas; or
- 5 (4) the firearm is possessed in designated camping areas for defense of persons and property.

6 (e) Game Lands License: Hunting and Trapping

- 7 (1) Requirement. Except as provided in Subparagraph (4) of this Paragraph, any person entering upon
- 8 any game land for the purpose of hunting, trapping, running dogs, or training dogs using wildlife
- 9 shall have in his or her possession a game lands license in addition to the appropriate hunting or
- 10 trapping license, or a license that conveys the game land use privilege.
- 11 (2) For Commission-sanctioned field trials, active participants (as defined in 15A NCAC 10B .0114) in
- 12 a field trial using wildlife shall possess a game lands license in addition to the appropriate North
- 13 Carolina hunting license, or a license that conveys the game land use privilege, except non-residents
- 14 may substitute hunting licenses from their state(s) of residence.
- 15 (3) For any other field trial using wildlife occurring on game lands, judges and active participants shall
- 16 possess a game lands license in addition to the appropriate North Carolina hunting license, or a
- 17 license that conveys the game land use privilege.
- 18 (4) Exceptions:
 - 19 (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal
 - 20 guardian;
 - 21 (B) on the game lands described in Rule .0103(e)(1) of this Section, the game lands license is
 - 22 required only for hunting doves; all other activities are subject to the control of the
 - 23 landowners.

24 (f) Field Trials and Training Dogs. Any individual or organization sponsoring a field trial on the Sandhills Field Trial
25 area shall file with the Commission an application to use the area and facility accompanied by the facility use fee
26 computed at the rate of ~~two hundred dollars (\$200.00)~~ three hundred dollars (\$300.00) for each scheduled day of the
27 trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of
28 the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all
29 intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee
30 of ~~seventy five dollars (\$75.00)~~ one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or
31 scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity
32 shall enter or use in any manner any of the physical facilities located on the Sandhills Field Trial area or the Laurinburg
33 Fox Trial facility without first having obtained written approval of such entry or use from an authorized agent of the
34 Wildlife Resources Commission, and no such entry or use of any such a facility shall exceed the scope of or continue
35 beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the
36 approval of the Wildlife Resources Commission. No more than ~~46~~ 20 days of field trials may be scheduled for
37 occurrence on the Sandhills facilities during any calendar month, and no more than ~~four~~ five days may be scheduled

1 during any calendar week; provided, that a field trial requiring more than ~~four~~ five days may be scheduled during one
2 week upon reduction of the maximum number of days allowable during some other week so that the monthly
3 maximum of ~~16~~ 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association
4 or other organization desiring use of the Sandhills facilities between the Wednesday on or nearest October 18 ~~October~~
5 ~~22~~ and ~~November 18~~ the second Friday before Thanksgiving and between ~~December 3~~ the first Monday following
6 Thanksgiving and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for
7 its consideration and approval. The use of the Sandhills Field Trial facilities **at any time** by individuals for training
8 dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and
9 Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through
10 August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife
11 Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on
12 any game land located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources
13 Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen
14 participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal
15 big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such field trial does
16 not conflict with other planned activities on the **Game Land game land** or field trial facilities, and the applying
17 organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to
18 physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with
19 other planned activities previously approved by the Commission and they do not conflict with the mission of the
20 agency.

21 (g) Trapping. Subject to the restrictions contained in 15A NCAC 10B ~~.0110~~, .0302, ~~and~~ .0303, and .0306 trapping of
22 furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the applicable open
23 trapping seasons established by rule. Foxes can be trapped on game lands from ~~November 1~~ October 1 through the
24 end of February in any county with an open fox trapping season that falls between ~~November 1~~ October 1 and the end
25 of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during
26 any fox trapping season that occurs outside the dates of ~~November 1~~ October 1 through the end of February.
27 Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with
28 a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is
29 prohibited:

- 30 (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- 31 (2) in posted "safety zones" located on any game land;
- 32 (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south,
33 US 276 on the north and east, and NC 215 on the west; and
- 34 (4) on the DuPont State Forest Game Lands; and
- 35 (5) from April 1 through ~~October~~ September 31.

36 At each trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a
37 processed food product as defined in G.S.113-294(r), is less than 3 cubic inches and is covered to prevent it from

1 being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or
2 hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

3 (h) Vehicular Traffic. No person shall drive a motorized vehicle on ~~any a~~ game land except on ~~those~~ roads constructed,
4 maintained, and opened for vehicular travel and ~~those on~~ trails posted for vehicular travel, unless such person:

- 5 (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land;
6 or
- 7 (2) is a disabled sportsman as defined in Paragraph ~~(k)~~ (j) of this Rule or holds a Disabled Access
8 Program Permit as described in Paragraph (m) of this Rule and is abiding by the rules described in
9 Paragraph (m).

10 (i) Camping.

- 11 (1) No person shall camp on ~~any a~~ game land except on an area ~~designated~~ posted by the landowner for
12 camping.
- 13 (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources
14 Commission is the primary custodian, the maximum period of consecutive overnight camping at
15 any designated camping area is 14 days within any 30-day period, ~~period from May 1 through~~
16 ~~August 31~~, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of
17 camping, all personal belongings shall be removed from the game land.
- 18 (3) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to
19 camp on game lands in areas posted for camping except when camping within 100 yards of the
20 Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100
21 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along
22 the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

23 ~~(j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.~~

24 ~~(k)~~ (j) Disabled Sportsman Program. ~~In order to~~ To qualify for permit hunts for disabled sportsmen offered by the
25 Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran
26 Sportsman license, a Totally Disabled Sportsman license, or a disabled sportsman hunt certification issued by the
27 Commission. ~~In order to~~ To qualify for the certification, the applicant shall provide medical certification of one or
28 more of the following disabilities:

- 29 (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- 30 (2) paralysis of one or more limbs;
- 31 (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and
32 lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- 33 (4) disease, injury, or defect confining the person to a wheelchair, walker, or crutches; or
- 34 (5) deafness.

35 On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may
36 operate electric wheel chairs, all terrain vehicles, or other passenger vehicles:

- 37 (1) on ungated or open-gated roads normally closed to vehicular traffic; and

1 (2) on ~~any~~ Commission-maintained ~~road roads~~ open for vehicular travel and ~~these~~ trails posted for
2 vehicular travel.

3 Each program participant may be accompanied by one companion provided ~~such the~~ companion has in his possession
4 the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their
5 companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit
6 hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.

7 ~~(h)~~ ~~(k)~~ Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds,
8 domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or
9 feral animals, or hatchery-raised fish on game lands without ~~prior~~ written authorization. It is unlawful to move wild
10 fish from one stream to another on game lands without ~~prior~~ written authorization. Written authorization shall be given
11 when release of such animals is determined by a Wildlife Resources Commission biologist not to be harmful to native
12 wildlife in the area and ~~such releases are~~ ~~is~~ in the public interest or advance the programs and goals of the Wildlife
13 Resources Commission.

14 ~~(m)~~ ~~(l)~~ Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway
15 use on ~~Game Lands~~ ~~game lands~~ except for designated areas on National Forests. Disabled persons as defined in
16 Paragraph ~~(k)~~ ~~(j)~~ of this Rule and people who have obtained a Disabled Access Program permit are exempt ~~from the~~
17 ~~previous sentence~~ ~~from this restriction~~ but shall comply with the terms of their permit. Furthermore, disabled persons,
18 as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or ~~other all-terrain~~
19 ~~wheelchairs~~ ~~wheel chairs~~ mobility devices designed for indoor pedestrian use on ~~any area~~ ~~areas~~ where foot travel is
20 allowed. ~~Off road vehicles including ATVs, UTVs, and ebikes are not permitted.~~

21 ~~(n)~~ ~~(m)~~ Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted
22 by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the
23 game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel
24 chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel
25 and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on
26 game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use.
27 Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This
28 Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or
29 cover. One companion, who is identified by a companion card issued to each qualified disabled person, may
30 accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact
31 with the disabled person. The companion may participate in all lawful activities while assisting a disabled person,
32 provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under
33 this provision shall display the vehicular access permit issued by the Wildlife Resources Commission in the passenger
34 area of the vehicle where it can easily be seen by Commission staff outside the vehicle. It is unlawful for anyone other
35 than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt,
36 during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as
37 a Disabled Sportsman's hunting blind.

1 (e) (n) Public nudity. Public nudity, including nude sunbathing, is prohibited on any game land, including land or
2 water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully
3 opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola
4 while in a public place.

5 (e) (o) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated
6 shooting ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting
7 skills, or for other safe uses of firearms and archery equipment. ~~All other~~ Other uses, including camping, building
8 fires, operating concessions or other activities not directly involved with recreational or competitive shooting are
9 prohibited, except for activities that have been approved by the Commission and for which a permit has been issued
10 may be conducted, provided that the permit authorizing such activity is available for inspection by wildlife
11 enforcement officers at the time the activity is taking place. No person, when using any shooting range, shall deposit
12 any debris or refuse on the grounds of the range. This includes any items used as targets, except that clay targets
13 broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot any items made
14 of glass on the grounds of the range. No person may leave any vehicle or other obstruction in such a location or
15 position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall
16 leave parked any vehicle or other object at any place on the shooting range other than such a place or zone as is
17 designated as an authorized parking zone and posted or marked as such. No person shall handle any firearms or bow
18 and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target
19 holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in
20 a manner that would cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot,
21 size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to any person(s).
22 Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules
23 or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by
24 Commission employees. No person shall handle any firearms on a shooting range while under the influence of an
25 impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days
26 and hours of operation shall be designated on signs and at least one such sign shall be posted at the entrance to each
27 shooting range. No person, when using any shooting range, shall do any act that is prohibited or neglect to do any act
28 that is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the
29 use of the area.

30 (e) (p) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads"
31 are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. ~~only~~. These roads shall be posted with the opening and
32 closing times.

33 (e) (q) No person shall attempt to obscure the sex or age of ~~any a~~ bird or animal taken by severing the head or any
34 other part thereof, or possess any bird or animal that has been so mutilated.

35 (e) (r) Baiting. Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on any
36 game land, salt, grain, fruit, or other foods without ~~prior~~ written authorization from an agent of the Commission.
37 Written authorization may be provided for Commission authorized projects or Commission contractors to meet

1 specific objectives. Except as authorized by rule, no person shall take or attempt to take any wild birds or wild animals
2 attracted to such foods.

3
4 *History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*
5 *143-318.10;*
6 *Eff. February 1, 1976;*
7 *Amended Eff. July 1, 1993; April 1, 1992;*
8 *Temporary Amendment Eff. October 11, 1993;*
9 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*
10 *Temporary Amendment Eff. July 1, 1999;*
11 *Amended Eff. July 1, 2000;*
12 *Temporary Amendment Eff. August 31, 2001;*
13 *Amended Eff. August 1, 2002;*
14 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17,*
15 *2003);*
16 *Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May*
17 *1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;*
18 *Temporary Amendment Eff. July 1, 2014;*
19 *Amended Eff. February 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020; August 1, 2017;*
20 *August 1, 2016; May 1, 2015; August 1, 2014.*
21 *Readopted Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0103

DEADLINE FOR RECEIPT: Thursday, May 11, 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 18, 19; page 2, lines 11, 12, 17, 30; page 3, lines 8, 17, 23, 33; page 4, lines 6, 20, 21, 32, 33, 34.

“Such” should be avoided. It appears on page 1, line 17; page 2, line 9.

Instead of using “for the purpose of hunting” etc., use “to hunt”. This appears on page 1, line 20.

“Under each” should be changed to “for”. This appears on page 3, line 14.

What does “applicable” mean? Define or delete. It appears on page 3, lines 29 and 34; page 4, line 22.

In Subparagraph (f)(1), change “AM” and “PM” to “a.m.” and “p.m.”, respectively.

In Paragraph (n), “shall” should be used instead of “will” or “can”.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0103 is readopted with changes as published in 37:11 NCR 814 as follows:

2
3 **15A NCAC 10D .0103 GENERAL REGULATIONS REGARDING HUNTING ON GAME LANDS**

4 ~~(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol~~
5 ~~or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the~~
6 ~~Blue Ridge Parkway where it adjoins game lands.~~

7 ~~(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or gates,~~
8 ~~or otherwise prevent vehicles from using any roadway.~~

9 ~~(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached~~
10 ~~by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-~~
11 ~~screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.~~

12 (a) The following shall be prohibited on game lands:

13 (1) hunting on [any] a designated game land while under the influence of alcohol or [any] a narcotic
14 drug;

15 (2) failing to comply with restrictions enacted by the National Park Service regarding the use of the
16 Blue Ridge Parkway where it adjoins game lands;

17 (3) parking a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent
18 vehicles from using any roadway; and

19 (4) erecting or occupying any tree stand or platform attached by nails, screws, bolts, or to a tree on any
20 game land while for the purpose of hunting. This prohibition does not apply to lag-screw steps or
21 portable stands that are removed after use with no metal remaining in or attached to the tree.

22 ~~(d)(b) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals~~
23 ~~and game birds, unless hunting is allowed by permit. Unless allowed by permit, hunting on game lands shall only be~~
24 ~~during the open season for game animals and game birds. Individual game lands or parts thereof may be closed to~~
25 ~~hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game~~
26 ~~animal or game bird seasons.~~

27 (1) On managed waterfowl impoundments, persons shall:

28 (A) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting
29 dates;

30 (B) not hunt after 1:00 p.m. on such hunting dates;

31 (C) not set decoys out prior to 4:00 a.m.;

32 (D) remove decoys by 3:00 p.m. each day; and

33 (E) not operate any vessel or vehicle powered by an internal combustion engine.

34 (2) On Sundays, the following shall be prohibited:

35 (A) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;

36 (B) the use of a firearm to take deer that are run or chased by dogs;

1 (C) — ~~hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S.~~
2 ~~14-54.1(b), or any accessory structure thereof, and~~

3 (D) — ~~hunting migratory game birds.~~

4 (c) Individual game lands or parts thereof of game lands may be closed to hunting or limited to specific dates by this
5 Subchapter.

6 (d) Persons shall hunt only with weapons lawful for the open game animal or game bird seasons.

7 (e) On managed waterfowl impoundments, persons shall:

8 (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;

9 (2) not hunt after 1:00 p.m. on such hunting dates;

10 (3) not set decoys out prior to 4:00 a.m.;

11 (4) remove decoys by 3:00 p.m. each day; and

12 (5) not operate any vessel or vehicle powered by an internal combustion engine.

13 (f) On Sundays, the following shall be prohibited:

14 (1) hunting with a firearm between 9:30 AM and 12:30 PM;

15 (2) the use of a firearm to take deer that are run or chased by dogs;

16 (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 14-
17 54.1(b), or any accessory structure thereof, and

18 (4) hunting migratory game birds.

19 ~~On designated youth waterfowl days, youths may hunt on managed waterfowl impoundments from ½ hour before~~
20 ~~sunrise to sunset. On designated veterans and military waterfowl days, veterans, as defined in 38 USC 101, and~~
21 ~~members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty~~
22 ~~other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-~~
23 ~~only areas from ½ hour before sunrise to sunset. Restrictions (1)(A), (1)(C), and (1)(E) in this Paragraph shall apply.~~
24 ~~On waterfowl impoundments that have a posted "Scouting only Zone," trapping during the trapping season and~~
25 ~~waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the~~
26 ~~impoundment outside of the posted "Scouting only Zone."~~

27 (g) On designated Youth Waterfowl Days the following shall apply:

28 (1) hunting on managed waterfowl impoundments shall be from one-half hour before sunrise to sunset;

29 (2) subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule; and

30 (3) youth may hunt on any game land and on any impoundment without a special hunt permit, including
31 permit-only areas, except where prohibited in Paragraph (a) of this Rule.

32 (h) On designated Veterans and Military Waterfowl Days veterans, as defined in 38 USC 101, and members of the
33 Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for
34 training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from
35 one-half hour before sunrise to sunset. Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule shall apply; and apply.

1 (i) On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and
2 waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the
3 impoundment outside of the posted "Scouting-only Zone."

4 ~~(e)~~(j) Definitions:

5 (1) For purposes of this Subchapter, "Dove Only Area" refers to a Game Land on which doves may be
6 taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day,
7 Christmas Day, and New Year's Days within the federally-announced season.

8 (2) For purposes of this Subchapter, "Three Days per Week Area" refers to a Game Land on which any
9 game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,
10 Saturdays, Thanksgiving Day, Christmas Day, Veterans Day, Martin Luther King Day, and New
11 Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays,
12 Thursday, and Fridays. Hunting is not allowed on Christmas Day, Veterans Day, and New Year's
13 Day when these holidays fall on Sunday. Falconry may also be practiced on Sundays. These "open
14 days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and
15 opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until
16 midnight on Saturdays.

17 (3) For purposes of this Subchapter, "Six Days per Week Area" refers to a Game Land on which any
18 game may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and
19 Saturday during the open seasons. Falconry may also be practiced on Sundays.

20 (4) For purposes of this Subchapter, "Seven Days per Week Area" refers to a Game Land on which
21 game may be taken during the open season on Mondays, Tuesdays, Wednesdays, Thursdays,
22 Fridays, Saturdays, and Sundays.

23 (5) For purposes of this Subchapter, "Four Days per Week Area" refers to a Game Land on which any
24 game may be taken during the open seasons and hunting is limited to Tuesdays, Thursdays,
25 Saturdays, ~~and Sundays.~~ Sundays, Labor Day, Veterans Day, Christmas Day, New Year's Day, and
26 Martin Luther King Day. Raccoon and opossum hunting may continue until 7:00 a.m. on
27 Wednesdays, 7:00 a.m. on Fridays, and 7:00 a.m. on Mondays.

28 (6) For purposes of this Subchapter, "Permit Only" means areas on which species take or activities listed
29 shall be during the applicable season(s) by permit only subject to annual limitations imposed by the
30 Commission to meet wildlife, hunter, or land management objectives, unless otherwise specified.
31 Individuals may apply for available opportunity permits online at newwildlife.org, by phone, or in
32 person at a wildlife service agent location. The Commission shall issue permits to applicants selected
33 at random by computer in accordance with G.S. 113-264. Permits shall be non-transferrable. All
34 applicable laws and rules regarding the species or activity shall apply.

35 (7) For the purposes of this Subchapter, "Either-Sex" means antlered or antlerless.

36 ~~(f)(k) Hunting with Dogs on Game Lands.~~ Deer shall not be taken with the use of dogs on game lands in counties or
37 parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

1 ~~(g)~~(l) On ~~permitted-type permit~~ hunts, deer of either sex may be taken on the hunt dates indicated on the permit.
2 Completed applications shall be received by the Commission not later than the first day of September next preceding
3 the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the
4 hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator
5 agent or by phone.

6 ~~(h)~~(m) The following game lands and refuges are closed to all hunting except to those individuals who have obtained
7 a valid and current permit from the Wildlife Resources Commission:

- 8 (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
- 9 (2) Bertie County—Roanoke River National Wildlife Refuge;
- 10 (3) Bladen County—Suggs Mill Pond Game Lands;
- 11 (4) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- 12 (5) Dare County—Roanoke Sound Marshes Game Lands; and
- 13 (6) Henderson and Transylvania counties—DuPont State Forest Game Lands.

14 ~~(i)~~(n) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the
15 Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise
16 the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid
17 need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes
18 issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public
19 interest.

20 ~~(j)~~(o) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using
21 any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game
22 lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.

23 ~~(k) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on
24 any game land and on any impoundment without a special hunt permit, including permit only areas, except where
25 prohibited in Paragraph (h) of this Rule.~~

26 ~~(l) Veterans and Military Waterfowl Days. On the day declared by the Commission to be Veterans and Military
27 Waterfowl Days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including
28 members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt
29 on game lands and impoundments not designated as permit only areas.~~

30 ~~(m)~~(p) ~~Permit Hunt Opportunities for Disabled Sportsmen.~~ The Commission may designate special hunts for
31 participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during
32 the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited
33 weapon choice, the allowed weapons shall be stated on each permit.

34 ~~(n)~~(q) As used in the rules of this Subchapter, horseback riding includes all equine species.

35 ~~(o)~~(r) When waterfowl hunting is authorized on Christmas and New Years' Day and those days fall on Sundays, the
36 open waterfowl hunting day shall be the following day.

37

1 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
2 *Eff. February 1, 1976;*
3 *Temporary Amendment Eff. October 3, 1991;*
4 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September*
5 *1, 1994; July 1, 1994;*
6 *Temporary Amendment Eff. October 1, 1999; July 1, 1999;*
7 *Amended Eff. July 1, 2000;*
8 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
9 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
10 *Temporary Amendment Eff. June 1, 2003;*
11 *Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*
12 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; May 1, 2015; August 1, 2014;*
13 *January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
14 *1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October*
15 *1, 2004;*
16 *Temporary Amendment Eff. August 1, 2018;*
17 *Amended Eff. August 1, 2020; August 1, 2019;*
18 *Temporary Amendment Eff. September 25, 2020;*
19 *Temporary Amendment Eff. August 1, 2021;*
20 *Amended Eff. August 1, 2023; November 1, 2022; October 1, 2022; August 23, 2022.*
21
22

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0104

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

Paragraph (a) is unnecessary, unless the 10C rules would not otherwise apply.

“Any” and “all” 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 6, 21, and 24; page 3, line 13.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0104 is readopted with changes as published in 37:11 NCR 816 as follows:

2
3 **15A NCAC 10D .0104 FISHING ON GAME LANDS**

4 (a) When fishing on game lands, all rules in Subchapter 10C shall apply.

5 ~~(a)(b)~~ Generally. Except as otherwise indicated herein, fishing on game lands that are open to fishing shall be in
6 accordance with the North Carolina rules. All game lands are open to public fishing ~~except~~ except: restocked ponds
7 when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek, in Transylvania County, and
8 in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set hook or any net,
9 trap, gig, archery equipment, or other special fishing device of a type mentioned in 15A NCAC 10C .0404(b),(c),(d),
10 and (f) may be used in any impounded waters located entirely on game lands. Archery equipment may be used to take
11 nongame fishes in impounded waters located entirely on game lands with the exception of those waters mentioned in
12 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set hooks) in designated waterfowl
13 impoundments located on game lands shall have a minimum carapace width of five inches (point to point) and the
14 daily possession limit is 50 per person and 100 per vessel.

15 (1) restocked ponds when posted against fishing;

16 (2) Hunting Creek Swamp Waterfowl Refuge;

17 (3) Cedar Rock Creek, Grogan Creek, and John Rock Branch, [and Cedar Rock Creek tributaries]
18 tributary to the Davidson River at Bobby N. Setzer State Fish Hatchery in Transylvania County; and

19 (4) private ponds where fishing is prohibited by the owners.

20 ~~(b)(c)~~ No trotline, set-hook, net, trap, gig, or other special fishing device mentioned in 15A NCAC 10C
21 .0404(b),(c),(d), and (f) may be used in any impounded waters located entirely on game lands.

22 ~~(e)(d)~~ Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands
23 except for those waters mentioned in 15A NCAC 10C .0404(a).

24 ~~(b)(d)~~ ~~(e)~~ Designated Public Mountain Trout Waters. All waters located on the game lands listed in this Subparagraph
25 are designated public mountain trout waters except as [noted:] noted.

26 (1) ~~Location.~~ All waters located on the game lands listed in this Subparagraph are designated public
27 mountain trout waters except as noted:

28 (A) ~~Cold Mountain Game Land in Haywood County;~~

29 (B) ~~DuPont State Forest Game Lands in Henderson and Transylvania counties, except Little~~
30 ~~River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest~~
31 ~~boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, and Fawn Lake;~~

32 (C) ~~Green River Game Land in Henderson and Polk counties, except Green River downstream~~
33 ~~of the natural gas pipeline crossing;~~

34 (D) ~~Headwaters Game Land in Transylvania County;~~

35 (E) ~~Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon,~~
36 ~~Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah~~
37 ~~Reservoir and Cherokee Lake;~~

(F) — Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except Grogan Creek, North Fork Catawba River downstream of the mouth of Armstrong Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Mill Ridge Pond, Nolichucky River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, and Spring Creek below US Forest Service road 223;

(G) — Pond Mountain Game Land in Ashe County;

(H) — Rendezvous Mountain State Forest Game Land in Wilkes County;

(I) — South Mountains Game Land in Cleveland and Rutherford counties;

(J) — Three Top Mountain Game Land in Ashe County;

(K) — Thurmond Chatham Game Land in Wilkes County;

(L) — Toxaway Game Land in Transylvania County; and

(M) — William H. Silvers Game Land in Haywood County.

(1) Cold Mountain Game Land in Haywood [County;] County.

(2) DuPont State Forest Game Lands in Henderson and Transylvania counties, [except] except:

(A) Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest [boundary;] boundary:

(B) Lake [Imaging;] Imaging:

(C) Lake [Dense;] Dense:

(D) Lake [Alfred;] Alfred:

(E) Lake [Julia;] Julia; and

(F) Fawn [Lake;] Lake.

(3) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline [crossing;] crossing.

(4) Headwaters Game Land in Transylvania [County;] County.

(5) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee [Lake;] Lake.

(6) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, [except] except:

(A) Cedar Rock Creek, Grogan Creek, [Creek, Cedar] and John Rock [Creek] Branch, tributary to the Davidson River at Bobby N. Setzer State Fish [Hatchery, John Rock Branch,] Hatchery:

(B) North Fork Catawba River downstream of the mouth of Armstrong [Creek;] Creek:

(C) Big Laurel Creek downstream from the US 25-70 bridge to the French Broad [River;] River:

(D) Mill Ridge [Pond;] Pond:

1 (E) Nolichucky ~~[River,]~~ River;

2 (F) Pigeon River downstream of Waterville Reservoir to the Tennessee state ~~[line,]~~ line; and

3 (G) Spring Creek below US Forest Service road ~~[223,]~~ 223.

4 (7) Pond Mountain Game Land in Ashe ~~[County,]~~ County.

5 (8) Little Fork State Forest Game Land in Wilkes ~~[County,]~~ County.

6 (9) South Mountains Game Land in Cleveland and Rutherford ~~[counties,]~~ counties.

7 (10) Three Top Mountain Game Land in Ashe ~~[County,]~~ County.

8 (11) Thurmond Chatham Game Land in Wilkes ~~[County,]~~ County.

9 (12) Toxaway Game Land in Transylvania ~~[County, and]~~ County.

10 (13) William H. Silvers Game Land in Haywood County.

11 (2) — All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(1)
12 of this Rule are ~~Wild Trout Waters unless classified otherwise.~~ [See 15A NCAC 10C .0205(d)]

13 ~~(e)~~ (f) All designated public mountain trout waters located on the game lands listed in paragraph (c) of this Rule are
14 Wild Trout Waters unless classified otherwise in 15A NCAC 10C .0205(d).

15 (e) Ponds. In all game lands ponds, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means
16 other than hook and line and the ~~The~~ daily creel limit for forked tail catfish is six fish in aggregate.

17
18 *History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;*

19 *Eff. February 1, 1976;*

20 *Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
21 *July 1, 1992;*

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

23 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

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

25 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015; August 1, 2014; August 1, 2010;*
26 *May 1, 2009; August 1, 2004;*

27 *Readopted Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0105

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

Page 4 is duplicative. Delete and fix page numbers at the bottom of each page.

“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 13, 14 31; page 2, lines 2 and 16.

In Subparagraph (b)(2) and (c)(1), change “under” to “pursuant to”.

What does “suitable” mean in Subparagraph (b)(3)? Define or delete.

In Paragraph (e), insert “Subparagraph” before “(b)(5)”.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0105 is readopted with changes as published in 37:11 NCR 817 as follows:

2
3 **15A NCAC 10D .0105 POSSESSION AND REMOVAL OF ANIMALS, PLANTS AND MATERIALS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) "Other materials" ~~includes: all~~ means metals, minerals, rocks, soil, organic debris, buildings, fences,
6 ~~historic artifacts, archeological resources as defined in G.S. 70-12,~~ and water.
- 7 (2) "Commission lands" ~~includes all~~ means State-owned game lands, hatcheries, depots, refuges,
8 boating access areas and public fishing access areas, or parts thereof, allocated to the Wildlife
9 Resources Commission.
- 10 (3) "Written permission" ~~includes~~ means permits, sales agreements, agricultural agreements, and letters
11 written by authorized Commission personnel. Written permissions shall specify the type of activity
12 allowed, the Commission land(s) where the activity may ~~occur~~ occur, and the persons ~~authorized.~~
13 authorized to partake in the activity. Written permission must be carried on their person at all times.
14 This requirement extends to any individual operating in conjunction with another's written
15 permission.

16 (b) On Commission lands:

- 17 (1) No wildlife resources, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other
18 materials shall be possessed on or removed from Commission lands except:
- 19 (A) as allowed in this Rule;
- 20 (B) bullfrogs, as specified in 15A NCAC 10B .0226; or
- 21 (C) if written permission has been granted by the Wildlife Resources Commission.
- 22 This restriction applies to both dead and living wildlife resources, fungi, invertebrates, eggs, animal
23 parts, ~~plants~~ plants, and plant materials.
- 24 (2) ~~All game, Game,~~ All game, Game, fur-bearing animals, wildlife resources, fisheries resources, and nongame animals
25 or birds, ~~for which the Commission has established an open season,~~ legally taken under a valid
26 hunting, trapping, fishing, falconry, or other collection license that entitles the licensee to access
27 and use Wildlife Resources Commission Property may be possessed on and removed from
28 Commission lands.
- 29 (3) Berries, fruit, nuts, mushrooms, ramps and other plants or plant ~~products~~ materials suitable for
30 human consumption may be possessed on and removed from Commission lands without written
31 permission for personal consumption only, except any fungi, plant or part thereof on a State or
32 federal protected list shall not be possessed on or removed from Commission lands without written
33 permission. ~~All other~~ Other fungi, plants and plant ~~products~~ materials which are not suitable for
34 human consumption may not be possessed on or removed from Commission lands except with
35 written permission. Crops or products thereof planted for the benefit of wildlife may not be removed
36 without written permission.

1 (4) Insects, worms, or other invertebrates collected as fish bait may be possessed on and removed from
2 Commission lands without written permission for personal use only, except any species on a State
3 or federal protected list may not be collected and may not be removed from Commission lands. Sale
4 of these resources is prohibited.

5 (5) Minimal amounts of animal parts, plant parts not removed from live plants, and other materials may
6 be collected by hand and removed from Commission lands without written permission, except in
7 violation of rules, general ~~statutes~~ statutes, or federal law. Collection of animal parts, and plant parts
8 not removed from live plants ~~plants, and other materials~~ for commercial use or sale is prohibited.
9 For purposes of this Subparagraph, "minimal amounts," are quantities that fit within a cubic foot of
10 space, except for firewood to be used at ~~designated posted game land campgrounds~~ camping areas.
11 Minimal amounts Collection of firewood are quantities sufficient to build and maintain a fire for the
12 duration of during the game land user's stay at the ~~campground~~ campground is permitted.

13 (6) Litter and road kill animals may be removed without written permission, except in violation of 15A
14 NCAC 10B .0106.

15 (7) A collection license as described in 15A NCAC 10B .0119 does not qualify as written permission
16 to collect or remove any wildlife resources from Commission lands. Written permission must be
17 specific to the Commission land.

18 (c) On all the other lands enrolled in the game land ~~program~~ program:

19 (1) All game, Game, fur-bearing animals, fisheries resources, and nongame animals or birds ~~for which~~
20 ~~the Commission has established an open season~~, legally taken under a valid hunting, trapping,
21 fishing, ~~or falconry~~ falconry, or collection license may be possessed on and removed from game
22 lands.

23 (2) Possession and removal of all other wildlife resources, fungi, invertebrates, eggs, nests, animals
24 parts, plants, and plant materials ~~materials, or other materials~~ is subject to the rules of the
25 Commission and is at the discretion of the landowner, except where the landowner has ceded
26 authority to the Commission. When the landowner has ceded authority to the Commission, the
27 permissions and restrictions in Paragraph (b) of this Rule apply.

28 (d) ~~Any individual who has written permission, or a hunting, trapping, fishing or falconry license required in order to~~
29 ~~possess or remove wildlife resources, fungi, invertebrates, eggs, nests, animals parts, plants, plant materials, or other~~
30 ~~materials from Commission lands and all other lands enrolled in the game land program shall have that written~~
31 ~~permission or license on his person. This requirement extends to any individual operating in conjunction with another's~~
32 ~~written permission.~~

33 (e) Except as referenced in (b)(5) of this Rule, other materials may be possessed or removed from Commission lands
34 and [all] other lands enrolled in the game land program with written permission from the Commission, except for
35 archeological resources. To possess or remove archeological resources from Commission land or other lands enrolled
36 in the game land program, an individual shall obtain and have on his or her person, written permission from the
37 Commission and a permit issued by the Department of Natural and Cultural Resources as specified in G.S 70-12.

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History Note: Authority G.S. 113-134; 113-264; 113-291; 113-291.2; 113-305; 113-333;
Eff. August 1, 2012;
Amended Eff. August 1, 2020.
Readopted Eff. August 1, 2023.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0211

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

What does “applicable” mean? Define or delete. It appears on lines 6, 9, 11, and 19.

“Thereafter” should be avoided, such as on line 7. Is there a way to express this that is clearer?

In Item (9), is there a better way to express “at any time”? Is this even necessary?

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0211 is amended as published in 37:11 NCR 818 as follows:

2
3 **15A NCAC 10D .0211 BUTNER-FALLS OF NEUSE GAME LAND IN DURHAM, GRANVILLE, AND**
4 **WAKE COUNTIES**

5 Butner-Falls of Neuse game land is a Six Days per Week Area, in which the following applies:

6 (1) Antlered or antlerless deer ~~Deer of either sex~~ may be taken the first open day of the applicable Deer
7 With Visible Antlers Season through the second Friday thereafter.

8 (2) Waterfowl shall be taken only on:

9 ~~(A)(a)~~ the opening and closing days of the applicable waterfowl seasons;

10 ~~(B)(b)~~ Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

11 ~~(C)(c)~~ Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

12 On the posted waterfowl impoundments a special permit is required for all waterfowl
13 hunting after November 1.

14 (3) Horseback riding is prohibited.

15 (4) Target shooting is prohibited.

16 (5) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.

17 (6) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.

18 (7) The use of bicycles is restricted to designated areas, except that this restriction does not apply to
19 hunters engaged in the act of hunting during the open days of the applicable seasons for game birds
20 and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 15
21 through August 31, and on Sundays only from September 1 through May 14.

22 (8) ~~Camping and the presence of campers and tents in designated Hunter Camping Areas are limited is~~
23 restricted to September 1 through the last day of February and March 31 through May 14.

24 (9) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall
25 not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping
26 area.

27
28 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
29 *Eff. October 1, 2022;*
30 *Amended Eff. August 1, 2023.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0215

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

What does “applicable” mean? Define or delete. It appears in Item (1).

“Thereafter” should be avoided, such as in Item (1). Is there a way to express this that is clearer?

“All” 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 lines 7, 12, and 13.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0215 is amended with changes as published in 37:11 NCAC 819 as follows:

2
3 **15A NCAC 10D .0215 R. WAYNE BAILEY-CASWELL GAME LAND IN CASWELL COUNTY**

4 R. Wayne Bailey-Caswell is a Three Days per Week Area, in which the following applies:

- 5 (1) Antlered or antlerless deer ~~Deer of either sex~~ may be taken the first open day of the applicable Deer
6 With Visible Antlers Season through the second Wednesday thereafter.
- 7 (2) Horseback riding, including all equine species, is allowed seven days per week from May 16 through
8 August 31, and on Sundays only, September 1 through May 15. Horseback riding is allowed only
9 on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian
10 use. People age 16 or older horseback riding on this game land shall possess a Game Lands license
11 as required by G.S. 270.3(b)(3).
- 12 (3) The area encompassed by the following roads is permit-only for all quail and woodcock hunting and
13 all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR
14 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR
15 1783 to the intersection of NC 62, north on NC 62 to the intersection of SR 1736, east on ~~SR 1736~~
16 SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- 17 (4) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- 18 (5) Camping ~~and the presence of campers and tents in designated Hunter Camping Areas are limited~~ is
19 restricted to September 1 through the last day of February and March 31 through May 14.
- 20 (6) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.

21
22 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
23 *Eff. October 1, 2022;*
24 *Amended Eff. August 1, 2023.*
25

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0232

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

What does “applicable” mean? Define or delete. It appears in Item (1), and Subitems (2)(a) and (c).

“All” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. This appears in Item (1).

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0235 is amended as published in 37:14 NCR 1009 as follows:

2

3 **15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY**

4 Gull Rock is a Seven Days per Week Area, in which the following applies:

5 (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers
6 Season.

7 (2) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:

8 (a) the opening and closing days of the applicable waterfowl seasons;

9 (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

10 (c) Tuesdays and Saturdays of the applicable waterfowl season.

11 (3) Camping is restricted to September 1 through the last day of February and March 31 through May
12 14 in areas designated and posted as camping areas.

13 (4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and
14 the second Saturday, Monday, and Tuesday of the December Bear Season.

15

16 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

17 *Eff. October 1, 2022;*

18 *Temporary Amendment Eff. December 1, 2022.*

19 *Amendment Eff. June 1, 2023.*

20

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0240

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

What does “applicable” mean? Define or delete. It appears on lines 6, 9, 11, and 22.

“All” and “any” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. This appears on lines 6, 12, 15, and 17.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0240 is amended as published in 37:11 NCAC 819 as follows:

2

3 **15A NCAC 10D .0240 JORDAN GAME LAND IN CHATHAM, DURHAM, ORANGE, AND WAKE**
4 **COUNTIES**

5 Jordan game land is a Six Days per Week Area, in which the following applies:

6 (1) ~~Deer of either sex~~ Antlered or antlerless deer may be taken on all the open days of the applicable
7 Deer With Visible Antlers Season.

8 (2) Waterfowl may be taken only on:

9 (a) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;

10 (b) Thanksgiving, Christmas, and New Year's Days; and

11 (c) the opening and closing days of the applicable waterfowl seasons.

12 (3) Horseback riding, including all equine species, is allowed only on those areas posted as American
13 Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding
14 is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On
15 all other trails posted for equestrian use, horseback riding is allowed seven days per week from May
16 16 through August 31, and on Sundays only from September 1 through May 15. People age 16 or
17 older shall obtain a game land license prior to engaging in horseback riding on any area other than
18 the American Tobacco Trail.

19 (4) Target shooting is prohibited.

20 (5) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.

21 (6) The use of bicycles is restricted to designated areas, except that this restriction does not apply to
22 hunters engaged in the act of hunting during the open days of the applicable seasons for game birds
23 and game animals.

24 (7) ~~Camping and the presence of campers and tents in designated and posted Hunter Camping Areas~~
25 ~~are limited~~ is restricted to September 1 through the last day of February and March 31 through May
26 14.

27

28 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

29 *Temporary Adoption Eff. October 1, 2022;*

30 *Eff. March 15, 2023;*

31 *Amended Eff. August 1, 2023.*

32

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0258

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

What does "applicable" mean? Define or delete. It appears on line 6.

Is "thereafter", on line 7, necessary?

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0258 is amended as published in 37:11 NCR 820 as follows:

2

3 **15A NCAC 10D .0258 PEE DEE RIVER GAME LAND IN ANSON, MONTGOMERY, RICHMOND, AND**
4 **STANLY COUNTIES**

5 Pee Dee River game land is a Seven Days per Week Area, in which the following applies:

6 (1) Antlered or antlerless deer ~~Deer of either sex~~ may be taken the first open day of the applicable Deer
7 With Visible Antlers Season through the second Friday thereafter.

8 ~~(2) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-~~
9 ~~74.~~

10 ~~(3)~~ (2) Target shooting is prohibited.

11 ~~(4)~~ (3) Horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays
12 only September 1 through May 15 only on roads opened to vehicular traffic and gated roads and
13 trails posted for equestrian use.

14 ~~(5)~~ (4) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting shall be prohibited
15 on that portion south of US-74.

16

17 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

18 *Eff. October 1, 2022;*

19 *Amended Eff. August 1, 2023.*

20

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0271

DEADLINE FOR RECEIPT: Thursday, May 11, 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 8, 10, 12, 14, 16, 18, 20, 28, 31, and 35; and page 2, line 1.

Is “thereafter”, on lines 15 and 36, necessary? Is there a better way to say this?

What does “applicable” mean? Define or delete. It appears on page 2, line 8.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10D .0271 is amended with changes as published in 37:11 NCAC 820 as follows:

2
3 **15A NCAC 10D .0271 SANDHILLS GAME LAND IN HOKE, MOORE, RICHMOND, AND SCOTLAND**
4 **COUNTIES**

5 Sandhills game land is a Three Days per Week Area, in which the following applies:

- 6 (1) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from ~~October 22~~ the Wednesday
7 on or nearest October 18 through March 31 except as follows:
- 8 (a) Antlered or antlerless deer ~~Deer of either sex~~ may be taken with archery equipment on all
9 the open days of the archery season through the fourth Friday before Thanksgiving Day;
10 with blackpowder firearms and archery equipment all the open days of the blackpowder
11 firearms season through the third Wednesday before Thanksgiving Day; and only deer with
12 visible antlers may be taken with all legal weapons from the second Saturday before
13 Thanksgiving Day through the Saturday following Thanksgiving Day;
 - 14 (b) dove may be taken all open days from the opening day of the dove season through the third
15 Saturday thereafter;
 - 16 (c) gray and fox squirrel may be taken all the open days from the second Saturday before
17 Thanksgiving Day through the Saturday following Thanksgiving Day;
 - 18 (d) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day
19 through the Saturday following Thanksgiving Day;
 - 20 (e) waterfowl may be taken on open days during any waterfowl season;
 - 21 (f) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit
22 Hunt; and
 - 23 (g) raccoon and opossum may be taken on open days from sunrise Monday on or nearest
24 October 15 through the last day of February.
- 25 (2) The Deer With Visible Antlers season is the open hunting days from the second Saturday before
26 Thanksgiving Day through the third Saturday after Thanksgiving Day except on the J. Robert
27 Gordon Field Trial Grounds.
- 28 (3) The archery season is all open days from the Saturday on or nearest to ~~Sept.~~ September 10 to the
29 fourth Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds,
30 the third Monday after Thanksgiving Day through January 1. Antlered or antlerless deer ~~Deer of~~
31 ~~either sex~~ may be taken with archery equipment on all open hunting days during the archery season,
32 by permit during the Deer with Visible antlers season, and the blackpowder firearms season as stated
33 in this Subparagraph. Only deer with visible antlers may be taken from the third Monday after
34 Thanksgiving Day through January 1.
- 35 (4) Blackpowder firearms season is all the open days from the fourth Saturday preceding Thanksgiving
36 Day through the Wednesday of the second week thereafter and, except on the J. Robert Gordon
37 Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Antlered or

1 antlerless deer ~~Deer of either sex~~ may be taken with blackpowder firearms on all open hunting days
2 during the blackpowder firearms season and by permit during the Deer With Visible Antlers season.
3 Only deer with visible antlers may be taken from the third Monday after Thanksgiving Day through
4 January 1.

- 5 (5) ~~Either sex deer~~ Antlerless deer hunting during the Deer With Visible Antlers Season is by permit
6 only.
- 7 (6) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of
8 the applicable waterfowl seasons.
- 9 (7) Wild turkey hunting is by permit only.
- 10 (8) Horseback riding on field trial grounds from ~~October 22~~ the Wednesday on or nearest October 18
11 through March 31 is prohibited unless participating in authorized field trials. Horseback riding is
12 allowed on the remainder of the Sandhills Game Land seven days per week on roads that are open
13 to vehicular traffic and gated roads and trails posted for equestrian use.
- 14 (9) ~~Camping and the presence of campers and tents in designated Hunter Camping Areas are limited~~ is
15 restricted to September 1 through the last day of February and March 31 through May 14.
- 16 (10) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- 17 (11) Swimming is prohibited in the lakes.

18
19 *History Note:* Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
20 Eff. October 1, 2022;
21 Amended Eff. August 1, 2023.
22

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0308

DEADLINE FOR RECEIPT: Thursday, May 11, 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:

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.

"Any" should not be used if "a", "an", or "the" can be used with the same meaning or if the word can be omitted. This appears on page 1, line 25.

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

1 15A NCAC 10F .0308 is amended with changes as published in 37:14 NCAC 1010 as follows:

2
3 **15A NCAC 10F .0308 15A NCAC 10F .0308 CLAY COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

- 5 (1) ~~within 50 yards~~ the waters shore to shore within 150 yards of the boat ramp at Ho Hum ~~Campground;~~
6 Campground at 47 Ho Hum Loop, Hayesville;
- 7 (2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC
8 Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at
9 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
- 10 (3) the waters of Gibson Cove, south of a line from a point on the east shore at 35.01005 N, 83.79750
11 W to a point on the west shore at 35.01099 N, 83.79929 W, southwest to the end of Gibson
12 ~~Cove;~~ Cove at 3279 Myers Chapel Road in Hayesville;
- 13 (4) within 50 yards of the Chatuge Cove ~~Marina;~~ Marina at 2397 Highway 175 in Hayesville;
- 14 (5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of
15 a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore
16 at 35.02609 N, 83.73945 W;
- 17 (6) within 50 yards of the Chatuge Dam Spillway access ~~area;~~ area in the vicinity of 1407 Chatuge Dam
18 Road in Hayesville; and
- 19 (7) ~~the waters of McCracken Cove; and~~
- 20 (8) (7) within 50 yards of the peninsula at Clay County Recreational Park, from a point on the north shore
21 at 35.00850 N, 83.79254 W, 35.00850 N, 83.79254 W, east to a point in the water at 35.00874
22 N, 83.79187 W, 35.00874 N, 83.79187 W, south to a point in the water at 35.00782 N, 83.79119 W,
23 southwest to a point in the water at 35.00672 N, 83.79211 W, west to a point on the shore at
24 35.00696 N, 83.79259 W.

25 (b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated
26 areas identified in Paragraph (a) of this Rule.

27 (c) ~~Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked~~
28 ~~public swimming area.~~ Swimming Area. No person operating or responsible for the operation of a vessel shall allow
29 it to enter the waters of the Clay County Recreational Park Swimming Area at Clay County Recreational Park, 47
30 Clay Recreation Park Road, Hayesville.

31 (d) Restricted Area. It shall be unlawful to operate a vessel at greater than no-wake speed within the no-wake zone at
32 the Jack Rabbit Mountain Swim Area on Jack Rabbit Road in Hayesville. No person operating or responsible for the
33 operation of a vessel shall allow it to enter the roped swim beach within the no-wake zone at Jack Rabbit Mountain
34 Swim Area.

35 (d) (e) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for
36 placement of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the
37 United States Army Corps of Engineers.

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*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
6, 2016;
Amended Eff. June 1, 2023; February 1, 2021; October 1, 2018; June 1, 2017.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0316

DEADLINE FOR RECEIPT: Thursday, May 11, 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 Paragraph (a), "in" appears twice on line 4. Delete one.

"Any" and "all" 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 lines 6, 7, 13, and 17.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10F .0316 is amended as published in 37:14 NCR 1011 as follows:

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15A NCAC 10F .0316 FORSYTH, ROCKINGHAM AND STOKES COUNTIES

(a) Regulated ~~Area. Areas.~~ This Rule shall apply to the following waters in Belews Lake in Forsyth, ~~Rockingham~~
Rockingham, and Stokes ~~Counties. counties:~~

- (1) Belews Lake within 50 yards of any public boat launching ramp on the lake, and within 50 yards of any bridge crossing on the lake;
- (2) Belews Lake at Humphrey’s Ridge Marina and Grill at 473-499 Humphrey Ridge Drive in Stokesdale, east of a line from a point on the north shore at 36.27962 N, 80.03507 W to a point on the south shore at 36.27804 N, 80.03565 W; and

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within ~~50 yards of any public boat launching ramp on the waters of Belews Lake in any of the counties listed in (a) of this Rule, or within 50 yards of any bridge crossing any portion of Belews Lake in Forsyth County.~~ any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Boards of Commissioners of Forsyth County, Rockingham County and Stokes County, or their designees shall be the designated agencies for placement and maintenance of markers implementing this Rule. All markers warning of a no-wake speed zone must be buoys or floating signs.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. May 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2023; October 1, 2018.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0333

DEADLINE FOR RECEIPT: Thursday, May 11, 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” 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 2, lines 3, 13, and 16.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: May 3, 2023

1 15A NCAC 10F .0333 is amended as published in 37:14 NCR 1011 as follows:

2
3 **15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

4 (a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston
5 Counties:

- 6 (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature
7 Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point
8 on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964
9 W;
- 10 (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife
11 Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the
12 east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- 13 (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C.
14 Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, to a point 150 feet west of the
15 Buster Boyd Bridge at 35.10242 N, 81.04089 W;
- 16 (4) N.C. Highway 27 bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway
17 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards
18 south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- 19 (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to
20 shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- 21 (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle
22 and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to
23 a point on the north shore at 35.18991 N, 81.04136 W;
- 24 (7) ~~Withers Cove. The waters from a point 50 feet southeast of the Withers Bridge on SR 1116,~~
25 ~~otherwise known as Shopton Road W. in Mecklenburg County at 35.14576 N, 81.00187 W, to a~~
26 ~~point 50 feet northwest of the bridge at 35.14599 N, 81.00222 W; The waters of Withers Cove in~~
27 Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire
28 Department and Police Department Boathouse from a point on the west shore at 35.14632 N,
29 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet
30 southeast of the Withers Bridge on SR 1116, otherwise known as Shopton Road, at 35.14576 N,
31 81.00187 W;
- 32 (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake
33 Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in
34 Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island
35 to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W,
36 east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396
37 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at

1 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island
2 at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;

3 (9) Other bridges. The areas within 50 feet of any bridge in North Carolina that crosses the waters of
4 Lake Wylie that is not otherwise specifically mentioned in this Paragraph; and

5 (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the
6 terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of
7 the island that is west of Point Lookout Road, ending at a line from a point on the northern end of
8 the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W; and

9 (11) Brown's Cove. The waters of Brown's Cove beginning at a line from a point on the east shore at
10 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a
11 line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at
12 35.17043 N, 80.99684 W.

13 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any
14 public boat-launching ramp, dock, pier, marina, boat storage structure, or boat service area.

15 (c) Speed Limit Near Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake
16 speed within 50 yards of any marked mooring area or marked swimming area.

17 (d) Placement and Maintenance of Markers. The Lake Wylie Marine Commission shall be the designated agency for
18 placement and maintenance of markers implementing this Rule.

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20 *History Note: Authority G.S. 75A-3; 75A-15;*
21 *Eff. July 1, 1980;*
22 *Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;*
23 *Temporary Amendment Eff. January 1, 1998;*
24 *Amended Eff. July 1, 1998;*
25 *Temporary Amendment Eff. February 4, 2000;*
26 *Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;*
27 *Temporary Amendment Eff. May 1, 2015;*
28 *Amended Eff. October 1, 2015;*
29 *Readopted Eff. October 1, 2018;*
30 *Amended Eff. June 1, 2023; June 1, 2022; May 1, 2019.*
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