

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0260 Temporary

DEADLINE FOR RECEIPT: June 19, 2025

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:

Generally, to the Rule: There are various "tracts" named in the rule. In what rule are the tracts defined?

Line 6: Where is "Pisgah" Game Land defined?

Line 11: How are the trails "designated"?

Line 11: How does the public know if a trail is designated?

Line 18: Define "activities."

Line 18: How is the "use" "authorized? By whom?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: June 12, 2025



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

NC Wildlife Resources Commission

2. Rule citation & name:

15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL, HAYWOOD, HENDERSON, MADISON, MCDOWELL,

3. Action: ☐ Adoption ☒ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: 4/17/2025
- b. Proposed Temporary Rule published on the OAH website: 4/23/2025
- c. Public Hearing date: 5/7/2025
- d. Comment Period: 4/21/2025 - 5/16/2025
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): 4/21/2025
- f. Adoption by agency on: 6/5/2025
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 7/1/2025

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☒ Other: 150B-21.1(a)(7)d.

Explain:

The Lutz Tract portion of the game land is heavily used and overcrowded in the summer months with people camping and gathering. This use results in litter and human waste that creates environmental hazards and habitat degradation. The overcrowding also creates safety issues along the narrow roadway where cars block the thoroughfare on a NCDOT roadway, hindering access for emergency vehicles if needed. The Caldwell County Sheriff's Office has expressed concern and asked for allowed activities on the property to be restricted.

The US Forest Service is closing the southern section of the Wilson Creek corridor, and NCDOT is beginning construction on the access road which will exacerbate issues on the game land. The portion of Wilson Creek on the Lutz Tract is designated as Delayed Harvest Trout Waters, and additional use of the Lutz Tract will impact angler access and experience. The proposed amendment should help reduce overcrowding.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The safety concerns in the summer months expressed by the Caldwell County Sheriff's Office and the recent US Forest Service road closure necessitate the expedited timeline.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Carrie Ruhlman

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919-707-0011

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Agency contact, if any:

William Casola

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919-707-0125

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10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Monty R. Crump

Title:

Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 15A NCAC 10D .0260 is amended under temporary procedures with changes as follows:

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3 **15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL,**
4 **HAYWOOD, HENDERSON, MADISON, MCDOWELL, MITCHELL,**
5 **TRANSYLVANIA, WATAUGA, AND YANCEY COUNTIES**

6 Pisgah ~~game land~~ **Game Land** is a Seven Days per Week Area, in which the following applies:

- 7 (1) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers
8 Season.
- 9 (2) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke
10 County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 11 (3) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke
12 County). Persons engaged in the act of hunting on the Linville River Tract during any open day of
13 an applicable season for game birds or game animals shall be exempt from this restriction.
- 14 (4) Alcohol and fires are prohibited in the Wilson Creek portion of Pisgah Game Land (Caldwell
15 County)
- 16 (5) Target shooting is prohibited on the Black Bear (McDowell County), Linville River (Burke County),
17 and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 18 (6) Activities other than hunting, fishing, trapping, and authorized use of posted trails and parking areas
19 are prohibited on the Lutz Tract (Caldwell County).

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21 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
22 *Eff. October 1, 2022; ~~2022~~.*
23 *Temporary Amendment Eff. July 1, 2025.*
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