

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0113

DEADLINE FOR RECEIPT: Thursday, August 10, 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”, “such”, 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 30, 34.

“Upon”, “notwithstanding”, “provided that”, and “appropriate” should be avoided if possible. These appear on page 1, lines 6 and 11; page 2, lines 14, 16, and 20; page 3, lines 5 and 10.

In Subparagraph (a)(3), “their” should be “his or her” and “they” should be “he or she”. Also, “[he or she] validate[s] and record[s] the authorization number” is unclear. How does this validate anything? What exactly is required?

In Subparagraph (a)(6), please add a comma after “recording a harvest”; delete the following “or”; and add a comma after “Bonus Antlerless Deer Harvest Report Card”.

In Subparagraph (a)(8), add an oxford comma after “internet access”.

Remove the comma after the statute citation on page 1, line 32.

Delete “or” after Subparagraphs (e)(1) and (2). Also, remove the comma after “possession of another person” on line 12. Also on line 12, time should be written “12:00 p.m.” instead of “12pm noon”. This should be changed in Paragraph (f) as well.

In Paragraph (g), use an active verb. “Successful Hunters using... shall record the authorization number...”

In Paragraph (h), “Except as otherwise provided by rule or law” is unnecessary and should be removed.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10B .0113 is amended with changes as published in 37:19 NCAC 1942 as follows:

2
3 **15A NCAC 10B .0113 BIG GAME HARVEST REPORTS REPORTING**

4 (a) Definitions. The following definitions shall apply in this Rule:

5 (1) "Authorization number" means the number or code issued by the ~~Electronic Big Game Reporting~~
6 ~~System Commission~~ upon completion of big game harvest registration, which shall serve as proof
7 of registration and allow continued possession of the carcass.

8 (2) "Big Game" means bear, wild turkey, and white-tailed deer, as defined in G.S. 113-129.

9 (3) "Big Game Harvest Report Card" means the non-transferrable physical or electronic reporting card
10 ~~supplied issued to the hunter~~ an individual by the Commission as part of ~~the~~ their big game license,
11 upon which ~~the successful hunter validates and records~~ they validate and record the authorization
12 number for a big game harvest.

13 (4) "DMAP" means Deer Management Assistance Program as defined in G.S. 113-291.2(e).

14 (4)(5) "Field Dress" means the bleeding or removal of the digestive, respiratory, and circulatory organs.

15 (5)(6) "Validate" or "validation" means electronically recording a harvest or cutting or punching-out the
16 day and month of the harvest ~~occurred~~ on the ~~appropriate line of the~~ Big Game Harvest Report Card
17 or Bonus Antlerless Deer Harvest Report Card or by affixing a Commission-issued DMAP tag. ~~Deer~~
18 ~~Management Assistance Program (DMAP) tag, as required by G.S. 113-291.2(e).~~

19 (6)(7) "Register" or "Registration" means the process by which the big game harvest ~~of big game~~ is
20 reported ~~through the Electronic Big Game Reporting System~~ to the Commission and an
21 authorization number is ~~issued.~~ issued by the Commission.

22 (7)(8) "Remote Area" means an area where ~~access to the Electronic Big Game Reporting System~~ cellular
23 phone signal, internet access or the Mobile app is unavailable.

24 (8)(9) "Site of kill" or "site of harvest" means the location that a person takes possession of harvested big
25 game.

26 (9)(10) "Successful hunter" means a person that has lawfully taken and reduced to possession a big game
27 animal.

28 (11) "Mobile app" means a unique Commission application that may be downloaded to a mobile device
29 allowing successful hunters to validate and register a big game harvest.

30 (b) Any individual hunting big game animals, including license exempt individuals, shall have an electronic or paper
31 version of the Big Game Harvest Report Card, Bonus Antlerless Deer Harvest Report Card, or DMAP tag pursuant to
32 G.S. 113-291.2, on their person while hunting.

33 (b)(c) Validation. ~~The~~ A successful hunter shall validate ~~the~~ their Big Game Harvest Report Card or the Bonus
34 Antlerless Deer Harvest Report Card or affix a Commission-issued DMAP tag before moving any big game from the
35 site of kill. ~~Deer harvested pursuant to the Deer Management Assistance Program (DMAP), that are not validated by~~
36 ~~the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card, shall be validated by affixing~~
37 ~~a Commission issued DMAP tag.~~

1 ~~(e)~~(d) Field Dressing. Harvested big game may be field dressed at the site of kill or before registration. Further
2 processing that obscures the identification of the harvested animal's species, age, or sex shall be prohibited without a
3 valid authorization number.

4 ~~(d)~~(e) Registration. Harvested big game shall be registered via ~~the Electronic Big Game Reporting System the~~
5 Commission's mobile app, online at www.newwildlife.org or www.ncwildlife.org, by calling ~~1-800-446-8663. 1-800-~~
6 446-8663, or as described in the DMAP license. Harvested big game shall be registered before the animal is:

- 7 (1) skinned; or
- 8 (2) dismembered; or
- 9 (3) left unattended by the successful hunter; or
- 10 (4) placed in the possession of another person.

11 Harvested big game animals that are not skinned, dismembered, left unattended by the successful hunter, or placed in
12 the possession of another person, shall be registered by 12pm noon the day following the harvest.

13 ~~(e)~~(f) Registration in Remote Areas. Big game harvested in remote areas shall be registered by 12pm noon, the day
14 after leaving the remote area. Notwithstanding the registration requirements in Paragraph ~~(d)~~(e) of this Rule, big game
15 harvested in remote areas may:

- 16 (1) be placed in the possession of another, provided that the person in possession of the big game has
17 the successful hunter's name and date of kill on their person; and
- 18 (2) be skinned and dismembered before registration, if the carcass cannot be transported intact.

19 ~~(f)~~(g) Authorization number. Successful hunters using the paper Big Game Harvest Report Card or Bonus Antlerless
20 Deer Harvest Report Card, the authorization number shall be recorded in the space provided for the appropriate
21 harvested big game animal. ~~animal on the Big Game Harvest Report Card or on the Bonus Antlerless Deer Harvest~~
22 ~~Report Card.~~ Successful hunters ~~validating a deer harvest by affixing~~ using a Commission-issued DMAP tag shall
23 record and maintain the authorization number ~~upon registration.~~ as described in the DMAP license.

24 ~~(g)~~(h) Unattended Harvests. Except as otherwise provided by rule or law, successful hunters that leave a harvested big
25 game animal unattended or in the possession of another person shall identify the carcass by attaching the authorization
26 number issued at the time of registration. Except as provided in Paragraph ~~(e)~~(f) of this Rule, a person that takes
27 possession of a big game animal from a successful hunter shall retain the authorization number of that animal.

28 ~~(h)~~ Exceptions. Requirements of this Rule shall not be applicable to special deer tags issued pursuant to G.S. 113-
29 291.2(e).

30 ~~(i)~~ Any person hunting big game animals, including license exempt persons, shall have a valid Big Game Harvest
31 Report Card, valid Bonus Antlerless Deer Harvest Report Card, or special tag pursuant to G.S. 113-291.2 in their
32 possession. ~~The Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card is part of the big game~~
33 ~~license and shall not be transferrable.~~

34 ~~(j)~~ Any persons who has requested a Big Game Harvest Report Card by phone or internet but has not yet received the
35 Big Game Harvest Report Card by mail, shall validate the kill by affixing the harvest ID number provided by the
36 Commission to the carcass and shall register in accordance with Paragraphs (d) or (e) of this Rule. The successful
37 hunter shall retain all authorization numbers from reported harvests and shall transcribe those authorization numbers

1 ~~to the Big Game Harvest Report Card upon receipt of the card.~~

2

3 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291;*

4

Eff. February 1, 1976;

5

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;

6

Temporary Amendment Eff. July 1, 1999;

7

Amended Eff. August 1, 2017; August 1, 2012; August 1, 2010; June 1, 2009; May 1, 2007; May 1,

8

2004; July 1, 2000;

9

Readopted Eff. August 1, ~~2020~~ 2020;

10

Amended Eff. September 1, 2023.

11

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0102

DEADLINE FOR RECEIPT: Thursday, August 10, 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:

“All”, “any”, “each”, and “every” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 4, 9, 10, 28, 30, 34; page 2, line 1; page 4, lines 5, 10, 14, 17.

“Upon”, “applicable” or “if applicable”, “if any”, and “same” should be avoided if possible. These appear on page 1, line 24; page 2, lines 2, 8, 22; page 3, lines 33, 34, and 36; page 4, lines 1, 6, 7, 9, 12, 17, 20, 28, 29, 30, 31.

In Subparagraph (a)(4), what does “from an established location” mean? What is WRC’s authority for this requirement? In Subparagraph (a)(7), is “for the purpose of” necessary? The definition in Subparagraph (a)(10) is vague. Can it be better clarified?

In Subparagraph (b)(6), does it need to state, “of the vessel”, similar to the preceding subparagraph? In Subparagraph (b)(10), if the requirement is asking for such a concise measurement, should the Rule state whether it is asking for Length Overall (LOA) or Length of the Water Line (LWL)? In Subparagraph (b)(18), what is the authority for requiring the purchase price of the motor? Does this information assist WRC’s purpose for the regulation? If not, would this be outside the Agency’s authority?

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0102 is amended with changes as published in 37:19 NCAC 1944 as follows:

2
3 **15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER**

4 (a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all forms prescribed
5 pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

6 (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its
7 equipment and resulting in:

8 (A) damage by or to the vessel, its equipment, or other property;

9 (B) injury or loss of life to any person; or

10 (C) the disappearance of any person from a vessel under circumstances that indicate the
11 possibility of death or injury.

12 A "boating accident" includes capsizing, collision, foundering, flooding, fire, explosion, and the
13 disappearance of a vessel other than by theft.

14 (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.

15 ~~(3)~~ "Charter Fishing Vessel" means a vessel carrying passengers for hire who are engaged in
16 recreational fishing.

17 ~~(3)(4)~~ "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at
18 retail or wholesale from an established location.

19 ~~(4)(5)~~ "Government Agency Vessel" means a vessel owned and operated by the United States or a federal
20 agency, a state, or a subdivision of a state.

21 ~~(5)(6)~~ "Livery Vessel" "Rent or Lease Vessel" means a vessel that is rented or leased by the owners to an
22 individual for a defined period of time.

23 ~~(6)(7)~~ "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing
24 vessels either upon prior commission or for the purpose of sale after manufacture.

25 ~~(7)(8)~~ "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad
26 exclusively for rescue purposes, including rescue training.

27 ~~(8)(9)~~ "Proof of Ownership Document" means a document that provides evidence of ownership, including
28 a Certificate of Number or a Certificate of Title issued by the Commission or any similar document
29 issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin,
30 or any other document that establishes ownership.

31 ~~(9)(10)~~ "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel
32 transactions.

33 (b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and
34 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including ~~livery~~ rented and leased
35 vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or
36 manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit
37 rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain

1 subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. Every owner applying for a
2 certificate of number and certificate of title of a vessel, if applicable, shall apply to the Commission or to one of its
3 vessel agents using an application available on the Commission website at www.newwildlife.org,
4 www.gooutdoorsnorthcarolina.com. The application shall include the following information:

- 5 (1) the name of the owners;
- 6 (2) the address, telephone number, date of birth, and North Carolina driver license number of the
7 owners;
- 8 (3) the current or previous certificate of number, if applicable;
- 9 (4) the desired period of certificate of number, either one or three years;
- 10 (5) the primary ~~use~~ operation of the vessel:
 - 11 (A) pleasure;
 - 12 (B) ~~livery~~; rent or lease;
 - 13 (C) dealer or manufacturer demonstration;
 - 14 (D) commercial fishing;
 - 15 (E) commercial passenger;
 - 16 (F) other commercial; ~~or~~
 - 17 (G) ~~other~~; charter fishing; or
 - 18 (H) other.
- 19 (6) the model of the vessel, if known;
- 20 (7) the manufacturer, if known;
- 21 (8) the year of manufacture or model year, if known;
- 22 (9) the manufacturer's hull identification number, if any;
- 23 (10) the length of the vessel in feet and inches;
- 24 (11) the type of vessel:
 - 25 (A) ~~open~~; open motorboat;
 - 26 (B) ~~eabin~~; cabin motorboat;
 - 27 (C) houseboat;
 - 28 (D) personal watercraft;
 - 29 (E) pontoon; ~~or~~
 - 30 (F) ~~other~~; air boat;
 - 31 (G) auxiliary sail;
 - 32 (H) inflatable;
 - 33 (I) paddlecraft/canoe;
 - 34 (J) paddlecraft/kayak;
 - 35 (K) rowboat;
 - 36 (L) sail only; or
 - 37 (M) other.

- 1 (12) the hull material:
- 2 (A) wood;
- 3 (B) ~~metal;~~ aluminum;
- 4 (C) ~~fiberglass;~~ steel;
- 5 (D) ~~plastic;~~ fiberglass;
- 6 (E) ~~inflatable; or~~ rubber/vinyl/canvas;
- 7 (F) ~~other;~~ plastic; or
- 8 (G) other.
- 9 (13) the type of propulsion:
- 10 (A) ~~inboard;~~ propeller;
- 11 (B) ~~outboard;~~ sail;
- 12 (C) ~~inboard outdrive;~~ water jet;
- 13 (D) ~~sail;~~ manual;
- 14 (E) ~~auxiliary sail with inboard;~~ air thrust; or
- 15 (F) ~~auxiliary sail with outboard; or~~ other.
- 16 ~~(G) jet Drive;~~
- 17 (14) the type of fuel:
- 18 (A) gasoline;
- 19 (B) diesel;
- 20 (C) electric; or
- 21 (D) ~~other;~~ other.
- 22 (15) the engine drive type:
- 23 (A) inboard;
- 24 (B) outboard;
- 25 (C) stern drive;
- 26 (D) pod drive;
- 27 (E) other; or
- 28 (F) none.
- 29 ~~(15)~~(16) a proof of ownership document;
- 30 ~~(16)~~(17) the signature of the owners;
- 31 ~~(17)~~(18) the make of motor if over 25 horsepower, including serial number and purchase price of ~~motor;~~
- 32 motor, if known;
- 33 ~~(18)~~(19) the lien holder name, address, and telephone ~~number;~~ number, if applicable;
- 34 ~~(19)~~(20) the effective lien ~~date;~~ date, if applicable;
- 35 ~~(20)~~(21) the county where vessel is taxed; and
- 36 ~~(21)~~(22) proof of United States Coast Guard documentation, if applicable.

37 (c) Application for certificate of number and certificate of title. The owners shall complete and submit an application

1 for a certificate of number, proof of ownership documents, and applicable fees to the Commission or one of its vessel
2 agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new or never-
3 before registered vessels. For a period of 60 days following the date of sale, the new owners may use a copy of the
4 proof of ownership document as a temporary certificate of number pending receipt of the original certificate, provided
5 it contains the date of sale. If required, a certificate of title shall be issued and all reported liens shall be recorded.

6 (d) ~~Livery~~ Rented or Leased Vessel Owners. Upon receipt of a completed application and a copy of the lease or rental
7 agreement form and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a
8 certificate of title.

9 (e) Dealers and Manufacturers of Vessels. Upon receipt of a completed application and fee, the Commission shall
10 issue to the applicant a certificate of number that may be used in connection with the operation of any vessel in the
11 possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer certificates
12 of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration
13 vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed
14 by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be
15 individually registered in the name of the dealer or manufacturer in accordance with the certificate of number
16 requirements of Paragraph (b) of this Rule. Additional dealer or manufacturer certificates of number may be obtained
17 by making application in the same manner as prescribed for the initial certificate with payment of a fee for each
18 additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a) of
19 this Section.

20 (f) Government Agency and Nonprofit Rescue Squad Vessels. Upon receipt of a completed application and proof of
21 ownership documents from a government agency or non-profit rescue squad, the Commission shall issue to the
22 applicant a permanent certificate of number. There shall be no fee for a permanent government agency or non-profit
23 rescue squad certificate of number and the certificate shall be valid until the vessel is transferred to another government
24 agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall
25 not be titled.

26 (g) Commercial Fishing Vessel. The standard application for a certificate of number shall be used for commercial
27 fishing vessels with the term "commercial fishing" marked in the section designated for "primary use." "primary
28 operation of the vessel." Upon receipt of a completed application, proof of ownership document, and fee, the
29 Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

30 (h) Commercial Passenger Vessel. Upon receipt of a completed application, proof of ownership document, and fee,
31 the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

32
33 *History Note:* Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 ~~C.F.R. 174.17~~; CFR 174.17;
34 *Eff. February 1, 1976*;
35 *Amended Eff. August 31, 1980*;
36 *Legislative Objection Lodged Eff. December 16, 1980*;
37 *Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection*;

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0104

DEADLINE FOR RECEIPT: Thursday, August 10, 2023

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

“Any”, “each”, “every”, “all”, “such”, 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, line 7; page 3, lines 1, 6, and 12.

“Upon”, “applicable”, and “if any” should be avoided if possible. These appear on page 1, lines 4, 7, and 26.

In Paragraph (a), beginning with the sentence “The certificate of number shall include the following information:” and continuing through to the end of the Rule, how is this a Rule? This is an internal policy and does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by WRC. If WRC creates the certificate, why should this be in this Rule?

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0104 is amended as published in 37:19 NCR 1945 as follows:

2

3 **15A NCAC 10F .0104 CERTIFICATE OF NUMBER**

4 (a) General. Upon receipt of a completed application, a proof of ownership document, and the applicable fees as
5 provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), the Commission shall issue to the applicant a certificate of number
6 authorizing the operation of the vessel. The certificate of number shall be carried while operating the vessel and shall
7 be presented for inspection to any law enforcement officer upon request. The certificate of number shall include the
8 following information:

9 (1) the name of the owners, dealer, or manufacturer;

10 (2) the address, including zip code, of the primary owners, dealer, or manufacturers;

11 (3) the title indicator;

12 (4) the certificate of number awarded to vessel;

13 (5) the expiration date of the certificate of number;

14 (6) ~~vessel use type;~~ the primary operation of the vessel;

15 (A) pleasure;

16 (B) ~~livery;~~ rent or lease;

17 (C) dealer or manufacturer demonstration;

18 (D) commercial fishing;

19 (E) commercial passenger;

20 (F) other commercial; ~~or~~

21 (G) ~~other;~~ charter fishing; or

22 (H) other.

23 (7) the model of vessel, if known;

24 (8) the manufacturer, if known;

25 (9) the year of manufacture or model year, if known;

26 (10) the manufacturer's hull identification number, if any;

27 (11) the ~~overall~~ length of vessel; vessel in feet and inches;

28 (12) the type of vessel:

29 (A) ~~open;~~ open motorboat;

30 (B) ~~cabin;~~ cabin motorboat;

31 (C) houseboat;

32 (D) personal watercraft;

33 (E) pontoon; ~~or~~

34 (F) ~~other;~~ air boat;

35 (G) auxiliary sail;

36 (H) inflatable;

37 (I) paddlecraft/canoe;

- 1 (J) paddlecraft/kayak;
2 (K) rowboat;
3 (L) sail only; or
4 (M) other.
- 5 (13) the hull material:
6 (A) wood;
7 (B) ~~metal;~~ aluminum;
8 (C) ~~fiberglass;~~ steel;
9 (D) ~~plastic;~~ fiberglass;
10 (E) ~~inflatable; or~~ rubber/vinyl/canvas;
11 (F) ~~other;~~ plastic; or
12 (G) other.
- 13 (14) the type of ~~Propulsion;~~ propulsion:
14 (A) ~~inboard;~~ propeller;
15 (B) ~~outboard;~~ sail;
16 (C) ~~inboard outdrive;~~ water jet;
17 (D) ~~sail;~~ manual;
18 (E) ~~auxiliary sail with inboard;~~ air thrust; or
19 (F) ~~auxiliary sail with outboard;~~ other.
20 ~~(G)~~ jet drive;
- 21 (15) the type of fuel:
22 (A) gasoline;
23 (B) diesel;
24 (C) electric; or
25 (D) ~~other;~~ other.
- 26 (16) the engine drive type:
27 (A) inboard;
28 (B) outboard;
29 (C) stern drive;
30 (D) pod drive;
31 (E) other; or
32 (F) none.
- 33 ~~(16)~~(17) a notice to owner that he shall report within 30 days changes of address or ownership, and
34 destruction or abandonment of vessel;
35 ~~(17)~~(18) the signature of the owners; and
36 ~~(18)~~(19) a notice to the owner that the operator shall:
37 (A) always carry this certificate on vessel when in use;

1 (B) report any accident involving injury or death to persons or property damage in excess of
2 two thousand dollars (\$2,000.00); and

3 (C) stop and render assistance if involved in boating accident.

4 (b) Dealers and Manufacturers. A dealer or manufacturer demonstrating or testing a vessel may use a set of dealer
5 numbers and the corresponding dealer certificate of number to operate a vessel held for sale, but only for demonstration
6 or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than
7 for demonstration and testing purposes shall be individually registered in the name of the dealer in accordance with
8 Paragraph (a) of this Rule.

9 (c) Government agency. There shall be no title indicator or expiration date listed for permanent certificate of numbers.

10 (d) Vessel Agents. Vessel dealers, manufacturers, and other businesses that operate from locations within North
11 Carolina may be appointed as vessel agents of the Commission and be authorized to issue temporary certificates of
12 number for new registrations, transfers of ownership, renewals, and duplicate transactions. All official certificates of
13 number shall be processed and mailed from the Commission headquarters. Rules governing the appointment and
14 operations of vessel agents are contained in 15A NCAC 10G .0400 WILDLIFE SERVICE AGENTS.

15
16 *History Note:* Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 ~~C.F.R. 174.19;~~ CFR 174.19;

17 *Legislative Objection Lodged Eff. December 16, 1980;*

18 *Eff. February 1, 1976;*

19 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; July 1, 1988; August 31, 1980; January 1,*
20 *1980;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
22 *6, 2016;*

23 *Amended Eff. September 1, 2023; November 1, 2018.*
24

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0109

DEADLINE FOR RECEIPT: Thursday, August 10, 2023

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

In Paragraph (a), instead of stating, "For a period not exceeding 60 days...", would it be clearer if simply stated, "For 60 days..."

If you were to add "The temporary certificate of number shall be signed by the owner of the vessel." to the end of Paragraph (a), could you delete (b) entirely? Again, this is not a rule. The comments above for Rule .0104 apply here as well.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0109 is amended with changes as published in 37:19 NCAC 1946 as follows:

2
3 **15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER**

4 (a) When a vessel agent processes the final transaction to issue, renew, or transfer a certificate of number or to issue
5 a duplicate certificate of number, the new owner shall be issued a temporary certificate of number. For a period not
6 exceeding 60 days following the date of the transaction, the vessel may be operated with the temporary certificate of
7 number.

8 (b) The temporary certificate of number shall contain the following:

- 9 (1) the name of issuing wildlife service agent;
- 10 (2) the name and address of the owners, dealer, or manufacturer;
- 11 (3) the title indicator;
- 12 (4) the certificate of ~~number;~~ number or vessel registration application ID;
- 13 (5) the ~~vessel use type:~~ primary operation of the vessel:
- 14 (A) pleasure;
- 15 (B) ~~livery;~~ rent or lease;
- 16 (C) dealer or ~~manufacturer;~~ manufacturer demonstration;
- 17 (D) ~~permanent;~~ commercial fishing;
- 18 (E) ~~commercial fishing;~~ passenger;
- 19 (F) ~~commercial passenger;~~ other commercial;
- 20 (G) ~~other commercial;~~ charter fishing; or
- 21 (H) ~~other;~~ other.
- 22 (6) the model of ~~vessel;~~ the vessel, if known;
- 23 (7) the ~~manufacturer;~~ manufacturer, if known;
- 24 (8) the year of manufacture or model ~~year;~~ year, if known;
- 25 (9) the manufacturer's hull identification ~~number;~~ number, if any;
- 26 (10) the length of ~~vessel;~~ vessel in feet and inches;
- 27 (11) the type of vessel:
- 28 (A) ~~open;~~ open motorboat;
- 29 (B) ~~cabin;~~ cabin motorboat;
- 30 (C) houseboat;
- 31 (D) personal watercraft;
- 32 (E) pontoon; ~~or~~
- 33 (F) ~~other;~~ air boat;
- 34 (G) auxiliary sail;
- 35 (H) inflatable;
- 36 (I) paddlecraft/canoe;
- 37 (J) paddlecraft/kayak;

- 1 (K) rowboat;
2 (L) sail only; or
3 (M) other.
4 (12) the hull material:
5 (A) wood;
6 (B) ~~metal;~~ aluminum;
7 (C) ~~fiberglass;~~ steel;
8 (D) ~~plastic;~~ fiberglass;
9 (E) ~~inflatable; or rubber/vinyl/canvas;~~
10 (F) ~~other;~~ plastic; or
11 (G) other.
12 (13) the type of propulsion:
13 (A) ~~inboard;~~ propeller;
14 (B) ~~outboard;~~ sail;
15 (C) ~~inboard-outdrive;~~ water jet;
16 (D) ~~sail;~~ manual;
17 (E) ~~auxiliary sail with inboard;~~ air thrust; or
18 (F) ~~auxiliary sail with outboard; or other.~~
19 ~~(G)~~ jet drive;
20 (14) the type of fuel:
21 (A) gasoline;
22 (B) diesel;
23 (C) electric; or
24 (D) ~~other;~~ other.
25 (15) the engine drive type:
26 (A) inboard;
27 (B) outboard;
28 (C) stern drive;
29 (D) pod drive;
30 (E) other; or
31 (F) none.

32 ~~(15)~~(16) the date the temporary certificate of number is issued;

33 (16)~~(17)~~ the date the temporary certificate of number expires;

34 ~~(17)~~(18) the type of transaction pending; and

35 ~~(18)~~(19) the signature of the owners.

36

37 *History Note: Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21; CFR 174.21;*

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Eff. April 1, 1997;
Amended Eff. May 1, 2007; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
6, 2016;
Amended Eff. September 1, 2023; November 1, 2018.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0310

DEADLINE FOR RECEIPT: Thursday, August 10, 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 6; page 3, lines 5 and 7.

In Part (a)(12)(B), I believe that it is Bay “Drive” not “Street”.

In Paragraph (b), delete “any of”.

In Paragraph (d), after “designated agencies”, change “for placement of markers” to “and shall place markers”.

The waters described in Subparagraphs (a)(8) and (a)(10) have two designated agencies for the placement of markers? Was this purposeful? Also, the waters described in Subparagraph (a)(14) have no designated agency [although, if it’s left up to us, I’m happy to go out, spend a day on a boat, and help set markers – as long as it counts as a workday].

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0310 is amended with changes as published in 37:19 NCR 1948 as follows:

2
3 **15A NCAC 10F .0310 DARE COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters and portions of waters in Dare County:

5 (1) ~~Manteo.~~ Manteo:

6 (A) the waters of Doughs Creek ~~off of~~ off Shallowbag Bay and all canals off ~~of~~ Shallowbag
7 Bay. Bay; and

8 (B) within 50 yards of the Bowsertown Boating Access Area on Croatan Sound at 35.89810
9 N, 75.67710 W.

10 (2) ~~Hatteras.~~ Hatteras:

11 (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek
12 bounded on the north and south by the high-water mark, on the west by a straight line
13 between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the
14 east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, ~~75.68050 W;~~
15 and

16 (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard
17 Beacon Number One in the Hatteras Channel.

18 (3) ~~Mann's~~ Manns Harbor. Harbor:

19 (A) Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, ~~75.76916 W.~~ 75.76916
20 W;

21 (B) within 50 yards of the Manns Harbor Boating Access Area on Croatan Sound at 35.91020
22 N, ~~75.77150 W.~~ 75.77150 W; and

23 (C) within 50 yards of the Mashoes Boating Access Area on East Lake at 35.92820 N, 75.81470
24 W.

25 (4) Nags ~~Head.~~ Head:

26 (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound
27 beginning at a point at 35.94192 N, ~~75.62571 W;~~ 75.62571 W; and

28 (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north
29 from U.S. Highway 64-264.

30 (5) ~~Wanchese.~~ Wanchese:

31 (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from
32 Roanoke Sound at a point at 35.84006 N, 75.61726 W; and

33 (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end
34 road ~~SR S.R.~~ 1141 otherwise known as Thicket Lump Drive, extending northwest roughly
35 parallel to ~~SR S.R.~~ 1141, ~~SR S.R.~~ 1142 otherwise known as The Lane, and ~~SR S.R.~~ 1143
36 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway
37 345, and finally curving to the southwest roughly parallel to ~~SR S.R.~~ 1289 otherwise known

as C B Daniels ~~SR~~ S.R. Road to its end.

- (6) ~~Stumpy~~ ~~[Point.]~~ Point:
- (A) ~~Stumpy Point Canal shore to shore on Pamlico Sound, beginning 50 yards west of the Wildlife Resources Commission boating access area.~~ Stumpy Point Boating Access Area, 321 Bayview ~~Drive.~~ Drive; and
- (7) ~~(B)~~ (B) ~~Stumpy Point Basin off of Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.~~
- (7) Rodanthe. Within 50 yards of the Rodanthe Boating Access Area in Roanoke Sound, 23170 Myrna Peters ~~Road.~~ Road;
- (8) ~~Town of Southern Shores. Canals~~ The canals and lagoons within the Town of Southern Shores north of U.S. Highway ~~158.~~ 158;
- (9) ~~Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle~~ Sound. ~~Sound;~~
- (10) ~~Kitty Hawk. The waters contained~~ in the canals of Kitty Hawk Landing Subdivision.
- (11) ~~Washington Baum Bridge. Bridge Boating Access Area. Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers. The waters within 150 yards north and south and 300 yards east of the Washington Baum Boating Access Area in Roanoke Sound, at 35.89380 N, 75.63710~~ ~~[W.]~~ W;
- (12) ~~Kill Devil~~ ~~Hills.~~ Hills:
- (A) ~~Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.~~ 75.68105 W; and
- (B) the waters within 50 yards of the Avalon Beach Boating Access Area in Kitty Hawk Bay, 2025 Bay Street.
- (13) ~~Avon. The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826~~ ~~W.~~ W;
- (14) ~~Jean Guite Creek. The waters of Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948~~ ~~W.~~ W;
- (15) ~~Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301~~ ~~W.~~ W; and
- (16) Cape Hatteras National Seashore. The waters of Motts Creek in Roanoke Sound, shore to shore

1 at a line from a point on the north shore where the Oregon Inlet U.S. Coast Guard Station is located,
2 to a point near the south shore of Motts Creek at 35.792070 N, 75.54903 W, then northward to
3 include the waters at the Oregon Inlet Fishing Center and Marina, Oregon Inlet Public Boat Ramp,
4 kayak launch area, and U. S. Coast Guard Station and Launch Area.

5 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas
6 described in Paragraph (a) of this Rule.

7 (c) Swimming Area. No person operating or responsible for the operation of any ~~vessel, surfboard, water skis, or jet~~
8 ~~skis vessel~~ shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point where
9 the canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and
10 extending 300 feet west into Albemarle Sound.

11 (d) Placement of Markers. The following agencies ~~shall be~~ are the designated agencies for placement of markers
12 implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps
13 of Engineers:

- 14 (1) the Board of Commissioners of the Town of Manteo for the areas ~~indicated~~ designated in
15 Subparagraph (a)(1) Part (a)(1)(A) of this Rule;
16 (2) ~~the Board of Commissioners of Dare County for the areas indicated in Subparagraphs (a)(2) through~~
17 ~~(a)(7), (a)(9) and (a)(11) through (a)(15) of this Rule;~~
18 (2) the Board of Commissioners of Dare County for the areas designated in Paragraph (c),
19 Subparagraphs (a)(2); (a)(4); (a)(5); (a)(8) through (10); (a)(13) through (15); and Parts (a)(3)(A);
20 (a)(6)(B); and (a)(12)(A) of this Rule;
21 (3) the Board of Commissioners of the Town of Southern Shores for the areas ~~indicated~~ designated in
22 Subparagraph (a)(8) of this Rule; ~~and~~
23 (4) the Board of Commissioners of the Town of Kitty Hawk for the area ~~indicated~~ designated in
24 Subparagraph (a)(10) of this ~~Rule.~~ Rule;
25 (5) the National Park Service for the area designated in Subparagraph (a)(16) of this Rule; and
26 (6) the North Carolina Wildlife Resources Commission for the areas designated in Subparagraphs (a)(7)
27 and (a)(11); and Parts (a)(1)(B); (a)(3)(B) and (C); (a)(6)(A); and (a)(12)(B) of this Rule.

28
29 *History Note: Authority G.S. 75A-3; 75A-15;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. April 1, 1997; December 1, 1994; May 1, 1994; March 1, 1993; May 1, 1988;*
32 *Temporary Amendment Eff. February 1, 1999; July 1, 1998;*
33 *Amended Eff. July 1, 2000; April 1, 1999;*
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
35 *6, 2016;*
36 *Amended Eff. September 1, 2023; October 1, 2022; October 1, 2018.*
37

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0374

DEADLINE FOR RECEIPT: Thursday, August 10, 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:

On the "Submission for Permanent Rule" form, the name in Box 2 needs to be corrected to the name in the heading of the Rule.

In Paragraph (b), who are the "authorized persons and vessels"? Authorized by whom? How? Also, Subparagraph (b)(3) is different than the other Subparagraphs in that it merely states, "directly in front of" instead of "downstream from". Why? This creates an ambiguity.

In Paragraph (c), what is the difference between "in" and "upon" a vessel? Is the language necessary?

Paragraphs (f), (g), and (h) are a mess. Perhaps, try:

(f) No vessel shall tie off to the hydroelectric station structure or accessory structures, anchor, or otherwise secure a vessel within restricted areas described in Paragraph (a) of this Rule.

(g) Paragraph (f) of this Rule shall not apply to persons who enter with consent of Cube Hydro Carolinas to maintain, repair, or evaluate facilities of Cube Hydro Carolinas; law enforcement or emergency personnel; or State employees acting in an official capacity.

(h) Placement and Maintenance of Markers. Cube Hydro Carolinas shall place and maintain buoys and other signs implementing this Rule.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0374 is amended with changes as published in 37:19 NCR 1949 as follows:

2
3 **15A NCAC 10F .0374 ~~CUBE YADKIN GENERATION~~ CUBE HYDRO CAROLINAS SAFETY ZONES**
4 **AND RESTRICTED ZONES AREAS**

5 (a) Regulated Areas. This Rule shall apply to the ~~area one hundred feet upstream or and downstream from the stations~~
6 ~~and dams, associated structures, abutments, and equipment at the following stations:~~ following hydroelectric stations,
7 dams, associated structures, abutments, and equipment:

8 (1) ~~Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery Counties;~~

9 (2) ~~High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson Counties.~~

10 (1) High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson counties;

11 (2) Tuckertown Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties;

12 (3) Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties; and

13 (4) Falls Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties.

14 (b) Safety Zones. With the exception of authorized persons and vessels, no entry shall be allowed in the waters listed
15 below:

16 (1) Yadkin River in Rowan and Davidson counties, 200 feet downstream from the powerhouse,
17 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
18 High Rock Hydroelectric Station;

19 (2) Yadkin River in Stanly and Montgomery counties, 200 feet downstream from the powerhouse,
20 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
21 Tuckertown Hydroelectric Station;

22 (3) Yadkin River in Stanly and Montgomery counties, one hundred feet directly in front of the
23 powerhouse, turbines, or generator discharge that mechanically [~~propel~~] propels or [~~accelerate~~]
24 accelerates the flow of water at the Narrows Hydroelectric Station; and

25 (4) Yadkin River in Stanly and Montgomery counties, 100 feet downstream from the powerhouse,
26 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
27 Falls Hydroelectric Station.

28 (c) Restricted Areas. Restricted Areas shall be located 200 feet upstream and 200 feet downstream from the
29 hydroelectric stations described in Paragraph (a) of this Rule. Individuals in or upon a vessel in a restricted area shall
30 wear a U.S. Coast Guard-approved personal flotation device as described in Rule .0201 of this [~~Subchapter at all~~
31 times.] Subchapter.

32 (d) Swimming. Swimming shall be prohibited in restricted areas.

33 (e) Firearms. No person shall discharge a firearm within a restricted area.

34 (b) ~~Fishing. Except as otherwise provided in this Paragraph or in Paragraph (c) of this Rule, no person shall enter the~~
35 ~~waters within the regulated areas described in Paragraph (a) of this Rule, except persons engaged in fishing within the~~
36 ~~regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing activities~~

1 provided that they shall wear at all times a U.S. Coast Guard approved personal flotation device in serviceable
2 condition and of appropriate size for the wearer.

3 (e) Boating. Any person in or upon a boat, raft, or other floating object that enters into the regulated areas described
4 in Paragraph (a) of this Rule shall wear at all times a U.S. Coast Guard approved personal flotation device in
5 serviceable condition and of appropriate size for the wearer.

6 (d)(f) No vessel shall tie off to any part of the hydroelectric station structure or the accessory portions thereof within
7 restricted areas described in Paragraph (a) of this Rule or nor anchor or otherwise secure a vessel in these areas.

8 (e)(g) Paragraph (d) Paragraph (f) of this Rule shall not apply to persons who enter with consent of ~~Cube Yadkin~~
9 ~~Generation~~ Cube Hydro Carolinas for the purpose of maintaining, repairing, or evaluating facilities of ~~Cube Yadkin~~
10 ~~Generation~~; Cube Hydro Carolinas; law enforcement or emergency personnel; or N.C. state employees acting in an
11 official capacity.

12 (f)(h) Placement and Maintenance of Markers. ~~Cube Yadkin Generation~~ Cube Hydro Carolinas shall be the designated
13 entity for placement and maintenance of buoys and other signs implementing this Rule.

14
15 *History Note: Authority G.S. 75A-3; 75A-15;*

16 *Eff. January 1, 2008;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
18 *6, 2016;*

19 *Amended Eff. September 1, 2023; October 1, 2018.*