

1 15A NCAC 10A .0401 is readopted with changes as published in 37:22 NCR 2128 as follows:

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3 **15A NCAC 10A .0401 FORM AND CONTENTS OF PETITION**

4 (a) A written petition requesting rulemaking shall be sent to the Executive Director of the Wildlife Resources
5 Commission at 1701 Mail Service Center, Raleigh, NC 27699-1700 for U.S. Postal Service delivery or 1751 Varsity
6 Drive, Raleigh, NC 27606-2576 for other delivery services or in person and must contain:

- 7 (1) the name and address of the petitioner;
- 8 (2) the name and address of the person, group, or organization, if any, on behalf of which the petition
9 is made, together with the representative capacity of the petitioner;
- 10 (3) the citation to any the rule sought to be ~~adopted, amended,~~ amended or repealed;
- 11 (4) suggested language for any the rule sought to be adopted or amended and a statement of its desired
12 effect; and
- 13 (5) the signature of the petitioner.

14 (b) In addition to the ~~foregoing,~~ information required by Paragraph (a), the petition may contain expression of any
15 reasons in support or arguments in favor of the regulatory action ~~proposed. Any proposed, and~~ tables, charts, maps,
16 publications, photographs, or other supporting materials that the petitioner deems pertinent to the proposal ~~may be~~
17 ~~included~~ by way of exhibits or attachments.

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19 *History Note: Authority G.S. 150B-20;*
20 *Eff. February 1, 1976;*
21 *Amended Eff. November 1, 2023; July 1, 2018; July 1, 1993; April 15, 1979.*

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1 15A NCAC 10A .0402 is readopted with changes as published in 37:22 NCR 2128 as follows:

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3 **15A NCAC 10A .0402 ACTION ON PETITION**

4 (a) Upon receipt, The **the** Executive Director Director, or his or her designee, shall ~~cause the petition requesting~~
5 ~~rulemaking to be marked or stamped~~ stamp the petition with the date of its receipt ~~by him~~, which ~~date~~ shall constitute
6 the date of its submission. ~~The Executive Director shall then refer the petition requesting rulemaking~~ shall then be
7 referred to the ~~Wildlife Resources~~ Commission for its consideration.

8 (b) Within three business days of receipt, the proposed text and statement of effect of the petition shall be forwarded
9 to the Office of Administrative Hearings as required by G.S. 150B-20.

10 (c) Within 120 days following submission of the petition requesting rulemaking, the ~~Wildlife Resources~~ Commission
11 shall:

12 (1) deny the petition in writing, stating the reason or reasons for such denial; or

13 (2) initiate rulemaking proceedings in accordance with G.S. 150B-20.

14 ~~(e)(d)~~ The ~~Wildlife Resources~~ Commission shall notify the person who submitted the petition of the action taken.
15 ~~taken by the Commission.~~ **Any denial Denial** of a petition requesting rulemaking shall be sent to the petitioner at the
16 address therein indicated by registered mail, "return receipt requested."

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18 *History Note: Authority G.S. 150B-20;*

19 *Eff. February 1, 1976;*

20 *Amended Eff. November 1, 2023; July 1, 1993.*

1 15A NCAC 10A .1101 is repealed through readoption as published in 37:22 NCR 2128 as follows:

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3 **15A NCAC 10A .1101 WAIVER**

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5 *History Note: Authority G.S. 113-134; 113-274; 150B-19(6);*

6 *Temporary Adoption Eff. May 21, 2003;*

7 *Temporary Adoption Expired March 12, 2004;*

8 *Eff. November 1, 2004;*

9 *Amended Eff. August 1, 2006;*

10 *Repealed Eff. November 1, 2023.*

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1 15A NCAC 10A .1201 is readopted with changes as published in 37:22 NCR 2128 as follows:

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3 **15A NCAC 10A .1201 EMERGENCY POWERS**

4 (a) Upon a ~~finding~~ determination by the ~~Wildlife Resources~~ Commission [~~determining~~] that a wildlife disease
5 threatens irreparable injury to wildlife or to the public, the Executive Director shall develop an emergency response
6 plan in consultation with the Commission, Governor's office and the State ~~Veterinarian~~. ~~The plan may prescribe~~
7 Veterinarian prescribing one or more of the following actions:

- 8 (1) shorten or lengthen harvest seasons;
- 9 (2) prohibit transport of wildlife resources or parts thereof;
- 10 (3) prohibit possession of wildlife resources;
- 11 (4) confiscate wildlife resources;
- 12 (5) revoke licenses or permits;
- 13 (6) expand or restrict daily bag limits, daily creel limits, and possession limits;
- 14 (7) establish mandatory wildlife check stations;
- 15 (8) restrict public access to game lands;
- 16 (9) require prepayment of outside testing costs by persons who desire disease testing of their harvested
17 wildlife resource when such testing is not essential to the objectives of the plan;
- 18 (10) prohibit supplemental feeding or baiting of wildlife;
- 19 (11) prohibit any other activities that aid in the transmission or movement of the disease as determined
20 by the best available science regarding the disease threat;
- 21 (12) implement any other activities necessary to reduce infection opportunities; and
- 22 (13) implement any other requirements necessary to assist in the detection and isolation of the disease.

23 (b) The Commission shall inform the public of the implementation of emergency powers and actions in the response
24 plan through press releases, postings on the Wildlife Commission ~~web site~~, website and social media, ~~letters~~ emails
25 ~~sent~~ to representatives of sportsmen's groups or other constituents likely to be directly affected, and ~~by~~ employee
26 outreach.

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28 *History Note: Authority G.S. 113-134; 113-306(f);*
29 *Eff. March 1, 2011;*
30 *Amended Eff. November 1, 2023.*