

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0503

**DEADLINE FOR RECEIPT: December 8, 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 page 1, line 7, what are “other activities specifically permitted by the Commission”? How would someone know what is permitted here?*

*On page 1, lines 21 through 24, items (d)(7) and (d)(8) seem at odds with (d) on line 14. That is, items that meet a category in (d)(1) through (6) can be transported out of a county of origin without reference to (7) and (8). So (7) and (8) are unnecessary to the extent that they are meant to restrict transport between counties. On the other hand, if (7) and (8) are meant to restrict transportation within a county, it is not consistent with the “outside of the county of origin” language on line 14.*

*On page 2, line 4, what are the “additional herd management requirements as specified by the Wildlife Resources Commission.”? How would someone know what these requirements are?*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: November 27, 2023

1 15A NCAC 10B .0503 is adopted as published in 38:04 NCR 190 as follows:

2  
3 **15A NCAC 10B .0503 SURVEILLANCE AREA**

4 (a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be  
5 prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from  
6 January 2 through August 31 inside a Surveillance Area, except that bird feeders specifically designed for nongame  
7 birds and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food  
8 products to hunt during the urban archery season shall be allowed within the established season in participating  
9 municipalities.

10 (b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

11 (c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the  
12 Surveillance Area.

13 (d) No cervid carcass or carcass parts originating from inside a Primary Surveillance Area or Secondary  
14 Surveillance Area shall be transported outside of the county of origin, except:

- 15 (1) meat that has been boned out so that no pieces or fragments of bone remain;
- 16 (2) caped hides with no part of the skull or spinal column attached;
- 17 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- 18 (4) cleaned lower jawbones with teeth or cleaned teeth;
- 19 (5) finished taxidermy products and tanned hides;
- 20 (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area;
- 21 (7) carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or  
22 outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and
- 23 (8) carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or  
24 PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.

25 (e) No person shall possess or use a substance or material that contains or is labeled as containing any excretion  
26 collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or  
27 attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the  
28 following substances:

- 29 (1) products labeled as containing synthetic analogs of cervid excretions;
- 30 (2) natural substances labeled as being collected from facilities within North Carolina that have a valid  
31 Farmed Cervid License from the North Carolina Department of Agriculture and Services;
- 32 (3) natural deer urine products labeled as containing excretions from facilities within North Carolina  
33 that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and  
34 Consumer Services; and
- 35 (4) natural deer urine products labeled as containing excretions from facilities that meet all the  
36 following requirements:
  - 37 (A) determined to be free of Chronic Wasting Disease (CWD) based on testing by an

- 1 independent laboratory using a method that may help detect the presence of CWD prions;  
2 (B) complies with a federally approved CWD herd certification program and any federal CWD  
3 protocols; and  
4 (C) participates in additional herd management requirements as specified by the Wildlife  
5 Resources Commission.

6  
7 *History Note: Authority G.S. 113-134; 113-306;*  
8 *Temporary Adoption Eff. July 1, 2022;*  
9 *Emergency Adoption Eff. September 1, 2022;*  
10 *Temporary Adoption Eff. November 29, 2022;*  
11 *Temporary Adoption Eff. July 1, 2023;*  
12 *Eff. January 1, 2024.*  
13