

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10B .0501-.0505.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: April 14, 2022.

Public Hearing:

Date: May 12, 2022

Time: 7:00 p.m.

Location: 1751 Varsity Dr., Raleigh, NC 27606

or by zoom registering at: https://ncwildlife-org.zoomgov.com/webinar/register/WN_9ssZBJqdR-6CFbL1WFUhQQ

Webinar ID:161 000 7539

Call in US: +1 669 216 1590 or 833 568 8864 (Toll Free)

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. Emergency powers G.S. 113-306(f). Emergency powers were invoked by the Executive Director on April 12, 2022, to activate a localized response plan to assist with detection and isolation of chronic wasting disease (CWD). Temporary rules are needed to replace emergency powers and specify requirements necessary to reduce movement of the disease and infection opportunities.

Comment Procedures: Comments from the public shall be directed to: Rulemaking Coordinator, 1751 Varsity Dr., Raleigh, NC 27606; email regulations@ncwildlife.org. The comment period begins April 18, 2022 and ends May 20, 2022.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to any area of the State where Chronic Wasting Disease (CWD) has been detected, as determined by the Commission.

(b) The following definitions shall apply to rules in this Section:

- (1) "Cervid" means all animals in the Family Cervidae not otherwise regulated by the NC Department of Agriculture and Consumer Services.
- (2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf of the Commission.
- (3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion disease affecting species within the deer (Cervidae) Family.
- (4) "CWD Management Area" means the area delineated by the Commission where CWD has been determined to be endemic and the rules of this Section apply.
- (5) "Index location" means the approximate location where a new CWD detection has been identified.
- (6) "Primary Surveillance Area" or "PSA" means an area within an approximate five-mile radius around an index location as delineated by the Commission for CWD surveillance.
- (7) "Sample" means tissue from a cervid suitable for CWD testing.
- (8) "Secondary Surveillance Area" or "SSA" means an area within an approximate five- to 30-mile radius around an index location delineated by the Commission for CWD surveillance.
- (9) "Surveillance Area" means the PSA and SSA collectively.

History Note: Authority G.S. 113-134; 113-306.

15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED

The following Surveillance Area is established around the Yadkin County index location:

- (1) Surry County East of US 601, South of NC 268 and West of Quaker Church Road and the Ararat River; and Yadkin County East of US 601, North of NC 67, West of Shoals Road to the intersection with Shady Grove Church Road and West of Fairground Road are delineated as the PSA.
- (2) Surry County, Yadkin County, Davie County, Forsyth County, Stokes County, Alleghany County East of US 21 and NC 18, Wilkes County East of NC 18 and NC 115, and Iredell County East of NC 115 and North of I 40 are delineated as the SSA.

History Note: Authority G.S. 113-134; 113-306.

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Placement of bait, food, food product, mineral, or salt licks to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside the Surveillance Area, except that bird feeders and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting during the urban archery season shall be allowed within the established season in participating municipalities.

(b) It is unlawful to export a live cervid, cervid carcass or carcass parts originating from inside a Surveillance Area except:

- (1) meat that has been boned out such that no pieces or fragments of bone remain;
- (2) caped hides with no part of the skull or spinal column attached;
- (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- (4) cleaned lower jawbones with teeth or cleaned teeth;
- (5) finished taxidermy products and tanned hides; and
- (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

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

(d) White-tailed deer fawns originating from within the Surveillance Area shall not be transported outside the Surveillance Area.

History Note: Authority G.S. 113-134; 113-306.

15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREA

(a) Any hunter who harvests a cervid in the PSA during the blackpowder or all lawful weapons season shall submit a sample to the Commission for CWD testing.

(b) No cervid carcass or carcass part originating from inside a PSA shall be transported outside the PSA unless double bagged and taken directly to a Cervid Health Cooperator in a county included in the PSA, or the carcass parts comply with Rule .0503(b) of this Section, or as permitted by the Commission.

History Note: Authority G.S. 113-134; 113-306.

15A NCAC 10B .0505 SECONDARY SURVEILLANCE AREA

(a) Any hunter who harvests a cervid in the SSA during the blackpowder season and from opening day through the second Sunday of all lawful weapons season shall submit a sample to the Commission for CWD testing.

(b) Cervid carcass and carcass parts originating from inside an SSA may be transported to the PSA within the same Surveillance Area.

(c) Except as provided in Rule .0503(b) of this Section, cervid carcasses or carcass parts shall not be transported outside of the SSA without a permit from the Commission.

History Note: Authority G.S. 113-134; 113-306.