

**NORTH CAROLINA  
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**IN THIS ISSUE**



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Office of Administrative Hearings  
Rules Division  
424 North Blount Street (27601)  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
(919) 733-2678  
FAX (919) 733-3462

Julian Mann III, Director  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruby Creech, Publications Coordinator  
Linda Dupree, Editorial Assistant  
Dana Sholes, Editorial Assistant  
Rhonda Wright, Editorial Assistant

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# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
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8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
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**NORTH CAROLINA REGISTER**  
 Publication Schedule for July 2000 – June 2001

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volume & issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	non-substantial economic impact			substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	
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15:14	01/16/01	12/20/00	04/02/01	01/31/01	01/31/01	02/20/01	05/00/02	03/19/01	03/20/01	05/00/02	10/13/01
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15:16	02/15/01	01/25/01	05/01/01	03/02/01	03/02/01	03/20/01	05/00/02	04/16/01	04/20/01	05/00/02	11/12/01
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## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF RULE-MAKING PROCEEDINGS

**END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:** This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

**EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:** The date of the next issue following the end of the comment period.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
**(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

**(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

**FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:** This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

**EXECUTIVE ORDER NO. 5  
EQUAL EMPLOYMENT OPPORTUNITY**

**WHEREAS**, the State of North Carolina is committed to providing equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, creed, national origin, sex, age or disability; and

**WHEREAS**, the State recognizes that effective and efficient government requires the talents, skills, and abilities of all available human resources; and

**WHEREAS**, the State acknowledges the need to strive for diversity in all occupational categories; and

**WHEREAS**, this administration endorses taking positive approaches to ensure equal employment opportunity; and

**WHEREAS**, this administration believes that the personnel practices of state government should be nondiscriminatory and promote public confidence in the fairness and integrity of government; and

**WHEREAS**, fair and impartial treatment of all employees in all terms and conditions of employment is in the best interest of the State; and

**WHEREAS**, positive and aggressive steps by management are necessary in preventing discrimination, promoting fairness, and supporting a work environment where employees are valued for their strengths and encouraged to achieve their fullest potential; and

**WHEREAS**, citizens of North Carolina should contribute to the equal employment opportunity efforts of our State; and

**WHEREAS**, the State Personnel Commission has established policies and programs for state government to achieve these goals.

**NOW THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of North Carolina, IT IS ORDERED:

**Section 1. Equal Employment Policies and Programs.**

The policies and programs that have been adopted by the State Personnel Commission and approved by the Governor represent the commitment of this State and must be strictly followed and fully complied with by every state agency, department and university.

**Section 2. Administration.**

Each agency, department head and university chancellor is responsible for the successful implementation of these policies, programs and this Order, and shall:

- (1) Designate an official at the deputy secretary or assistant secretary level to assume responsibility for the

operation and implementation of their equal opportunity plan and program;

- (2) Designate the appropriate number of full-time equal employment opportunity (EEO) officers to perform the full range of EEO responsibilities for every 500-1500 employees to ensure the development and implementation of an effective EEO plan and program which achieve the EEO objectives. The Office of State Personnel is authorized to review and approve the appropriateness of the number of designated EEO Officers considering organizational size, structure and geographical dispersion. Agencies, departments or universities with 1-499 employees shall designate a part-time EEO Officer who shall have direct access to the agency, department or university head or their designee as indicated in subsection (1) above;

- (3) Ensure that the EEO Officers report directly to the agency, department head, university chancellor, designated deputy or assistant secretary on EEO matters;

- (4) Ensure that the agency's, department's or university's commitment to equal employment opportunity is clearly transmitted to all employees;

- (5) Provide adequate resources and support to the EEO Officers in the development and implementation of the EEO plan and program designed to achieve the equal opportunity goals;

- (6) Ensure that personnel policies are administered fairly and personnel practices are nondiscriminatory;

- (7) Ensure that each supervisory and management employee has, as a part of their performance management work plan, responsibility to comply with EEO laws and policies; and,

- (8) Provide reasonable accommodations for otherwise qualified individuals with disabilities who can perform the essential functions of the job in question if such accommodations are made. These accommodations shall be in accordance with the Americans with Disabilities Act (ADA) Title I rules and regulations.

**Section 3. Office of State Personnel**

The State Personnel Director shall:

- (1) Provide technical assistance, resource/support programs, monitoring and evaluation to assist agencies, departments, and universities in achieving their equal employment opportunity goals;

- (2) Review and approve all EEO plans;

- (3) Develop systems to review, analyze, and evaluate trends and make recommendations to the Governor regarding all personnel policies and practices which affect all terms, conditions, and benefits of employment;

- (4) Design and implement monitoring and reporting systems to measure the effectiveness of agency, department and university EEO programs and personnel practices;

- (5) Provide EEO training to managers, supervisors and employees;

- (6) Develop, with the approval of the Governor and the State Personnel Commission, state government-wide EEO policies, programs and procedures;
- (7) Develop and promote programs and practices to encourage fair treatment of all state employees;
- (8) Compile, analyze, and submit reports to the Governor which demonstrate the State's EEO progress;
- (9) Establish procedures for determining reasonable accommodations which result in an uniform and fair process for applicants and employees with disabilities; and, develop an EEO plan for state government.

**Section 4. Reports and Records.**

The State Personnel Director shall submit quarterly reports to the Governor on each agency's, department's and university's progress to ensure that its workforce is representative of the citizens of North Carolina and that all terms and conditions of employment are fair and non-discriminatory.

**Section 5. Citizen Contribution.**

The North Carolina Human Relations Commission shall provide oversight and review of state government's implementation of the EEO program and goals, thereby assuring citizen contributions to the program. The Commission shall advise the Governor and the State Personnel Director on the progress and make recommendations for their consideration.

**Section 6. Veterans' Preference.**

Nothing in this order shall be construed to repeal or modify any federal, state or local laws, rules or regulations creating special rights or preferences for veterans.

**Section 7. Effect of other Executive Orders.**

Executive Order 22 of the Hunt Administration, issued on August 13, 1993, is hereby rescinded.

This Executive Order shall be effective immediately and shall remain in effect until rescinded.

Done in the Capital City of Raleigh, North Carolina, this the 8th day of March 2001.

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Michael F. Easley  
Governor

ATTEST:

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Elaine F. Marshall  
Secretary of State

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

**TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**CHAPTER 03 – FACILITY SERVICES**

**Notice of Rule-making Proceedings** is hereby given by the Division of Facility Services, DHHS in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 10 NCAC 03R .6300 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 131E-176(25); 131E-177(1); 131E-183(b)

**Statement of the Subject Matter:** The agency plans to adopt new temporary rules which will include policies and need determinations for the 2002 State Medical Facilities Plan. SMFP rules for previous years may also be appealed under temporary rule-making.

**Reason for Proposed Action:** The need determinations and policies contained therein are incorporated into administrative rules. Because permanent rules cannot be adopted in time to become effective by January 1, 2002, it will be necessary to adopt temporary rules.

**Comment Procedures:** Written comments concerning the rule-making action must be submitted to Jackie Sheppard, Rule-Making Coordinator or Mark Benton, Policy Development Coordinator, Division of Facility Services, 2701 Mail Service Center, Raleigh, NC 27699-2701.

**TITLE 12 – DEPARTMENT OF JUSTICE**

**CHAPTER 10 – NC SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

**Notice of Rule-making Proceedings** is hereby given by the NC Sheriffs' Education and Training Standards Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 12 NCAC 10B .0301, .0304-.0305, .0307, .0505, .0601, .0603, .0606, .0708, .0713; and Sections .0400; .0900; .1000; .1200;

.1400; .1600; .2100 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 17-E

**Statement of the Subject Matter:**

**12 NCAC 10B .0301 - Minimum Standards for Justice Officers** - Rule sets out the minimum standards required in order for an individual to be employed or certified as a detention officer, deputy sheriff or telecommunicator.

**12 NCAC 10B .0304 - Medical Examination** - Rule sets out that applicants for justice officer certification and enrollees in the Commission-mandated courses must have a Medical History Statement and Medical Examination Report; it further specifies the time-frame in which such medical forms are required to be done.

**12 NCAC 10B .0305 - Background Investigation** - Rule sets out the requirements for background investigation conducted by the employing agency on justice officers.

**12 NCAC 10B .0307 - Criminal History Record** - Rule sets out the types of criminal history records that may prevent an individual from being able to obtain certification as a justice officer.

**12 NCAC 10B .0400 - Certification of Justice Officer Personnel** - Rules within this Section set out the requirements and processes for obtaining probationary and general certification as a justice officer.

**12 NCAC 10B .0406 - Lateral Transfer/Reinstatements** - Rule sets out the required documentation and process for laterally transferring a sworn-law enforcement officer's certification from one agency to another and for obtaining a reinstatement of certification.

**12 NCAC 10B .0408 - Verification of Records to Division** - Rule sets out documents required to be submitted to the Division in order for an individual to obtain probationary certification.

**12 NCAC 10B .0409 - Employing Agency Retention of Certification Records** - Rule sets out the certification documents required to be maintained by the employing/appointing agency in accordance with 12 NCAC 10B .0408.

**12 NCAC 10B .0505 - Evaluation for Training Waiver** - Rule sets out specific training requirements/waivers for individuals who have prior experience and training as a sworn law enforcement officer.

**12 NCAC 10B .0601 - Detention Officer Certification Course** - Rule sets out the course hours and identifies other publications which govern course deliveries.

**12 NCAC 10B .0603 - Evaluation for Training Waiver** - Rule sets out specific training requirements/waivers for individuals who have prior experience and training as a detention or correctional officer.

**12 NCAC 10B .0606 - Comp Written Exam - Detention Officer Certification Course** - Rule sets out the format for the state examination.

## RULE-MAKING PROCEEDINGS

**12 NCAC 10B .0708 - Administration of Telecommunicator Certification Course** - Rule sets out administrative requirements placed upon institutions or agencies which offer this course.

**12 NCAC 10B .0713 Admission of Trainees** - Rule sets out what shall be required of institutions/agencies which offer the Commission-mandated courses to require of potential enrollees in the course for admittance.

**12 NCAC 10B .0900 - Minimum Standards for Justice Office Instructors** - Rules in this Section set out requirements for individuals instructing in the Commission-mandated courses.

**12 NCAC 10B .1000 - Professional Certification Program for Sheriffs and Deputy Sheriffs** - Voluntary program to recognize deputy sheriffs for achieving education and training beyond the minimum state mandate.

**12 NCAC 10B .1200 - Professional Certification Program for Detention Officers** - Voluntary program to recognize detention officers for achieving education and training beyond the minimum state mandate.

**12 NCAC 10B .1400 - Professional Certification Program for Reserve Deputy Sheriffs** - Voluntary program to recognize reserve deputy sheriffs for achieving education and training beyond the minimum state mandate.

**12 NCAC 10B .1600 - Professional Certification Program for Telecommunicators** - Voluntary program to recognize telecommunicators for achieving education and training beyond the minimum state mandate.

**12 NCAC 10B .2100 - Deputy Sheriff and Detention Officers= Firearms In-Service Training Requalification Program** - Rules within this Section set out the in-service requirements for deputy sheriffs and detention officers who are authorized to carry firearms.

### **Reason for Proposed Action:**

**12 NCAC 10B .0301 - Minimum Standards for Justice Officers** - This Paragraph is to be amended to require justice officers who are the subject of Domestic Violence Orders to notify their agency head and the Division. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.

**12 NCAC 10B .0304 - Medical Examination** - Amendment to this Rule may be made in order to adopt a different set of medical forms to be required for telecommunicators in response to the concern that the current requirement is too stringent for persons in those positions. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.

**12 NCAC 10B .0305 - Background Investigation** - Amendments to this Rule will be made to increase the requirements for background investigations.

**12 NCAC 10B .0307 - Criminal History Record** - Amendments to this Rule will be made to make this Section parallel the requirements set out in 12 NCAC 10B .0204.

**12 NCAC 10B .0400 - Certification of Justice Officer Personnel** - Language needs to be added in various rules within this Section to make it clear that this section is to be read in conjunction with the applicable training requirements set out in Section .0500 for Deputy Sheriffs, .0600 for Detention Officers, and .1300 for Telecommunicators.

**12 NCAC 10B .0406 - Lateral Transfer/Reinstatements** - Amendment will result in same documentation and process being required for lateral transferees as is currently required for probationary officers. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.

**12 NCAC 10B .0408 - Verification of Records to Division** - Amendments to language of required documentation for obtaining probationary certification or general or grandfather certification as a lateral transferee. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.

**12 NCAC 10B .0409 - Employing Agency Retention of Certification Records** - Amendment to delete redundant language and instead include a cross-reference to 12 NCAC 10B .0408. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.

**12 NCAC 10B .0505 - Evaluation for Training Waiver** - Amendments to rule to clean-up some language for clarification which may involve adding additional paragraphs within the rule.

**12 NCAC 10B .0601 - Detention Officer Certification Course** - Proposed amendment to reallocate the 162 hours of instruction to: reduce the Fire Emergencies block of instruction from 12 hours to 4 hours, add a new 3 hour block of instruction on Ethics, add a new 5 hour block of instruction on Communication Skills, and rename the Special Populations block of instruction to Aspects of Mental Illness.

**12 NCAC 10B .0603 - Evaluation for Training Waiver** - The Criminal Justice Commission temporary rule changes regarding the training requirements for correctional officers which will no longer set out the blocks of instruction that correctional officers are required to complete which went into effect January 1, 2001. Permanent rules are expected to be effective in August of 2002: amendment to Paragraph (7) of this Rule which will set a cut-off date based on the effective date of the CJ rule changes for individual's who will be eligible for a partial training waiver, amendment to Subparagraph (7)(vii) of this Rule - Fire Emergencies in the Jail 12 hours should be changed to Fire Emergencies 4 hours; and the total hours changed to 46 hours; a new Paragraph (8) will be added which will allow individuals who cannot qualify for a partial training waiver under 12 NCAC 10B .0603(7), to submit documentation showing the specific curriculum they completed as a correctional officer, which will be compared to the existing Detention Officer Certification Course and a case-by-case determination made by the Division

staff as to whether any of the Detention Officer Certification Course can be waived, and deletion of Paragraph (b) of this Rule and corresponding renumbering of entire rule.

**12 NCAC 10B .0606 - Comp Written Exam - Detention Officer Certification Course** - Due to the revisions to the course as explained under 12 NCAC 10B .0603 above, the state examination will need to be re-written. That re-write may result in changes to the examination format.

**12 NCAC 10B .0708- Administration of Telecommunicator Certification Course** - Proposed change to amend Paragraph (b), lines 9 and 10 to read: "The school director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored Telecommunicator Certification Course."

**12 NCAC 10B .0713 Admission of Trainees** - Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.

**12 NCAC 10B .0900 - Minimum Standards for Justice Office Instructors** - Various amendments will be made to the rules within this Section to make the instructor certification simpler to administer and less burdensome on the instructors to track and maintain certification.

**12 NCAC 10B .1000 - Professional Certification Program for Sheriffs and Deputy Sheriffs** - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

**12 NCAC 10B .1200 - Professional Certification Program for Detention Officers** - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

**12 NCAC 10B .1400 - Professional Certification Program for Reserve Deputy Sheriffs** - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

**12 NCAC 10B .1600 - Professional Certification Program for Telecommunicators** -Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

**12 NCAC 10B .2100 - Deputy Sheriff and Detention Officers' Firearms In-Service Training Requalification Program** - The task analysis for law enforcement in North Carolina was recently updated. As a result, the Basic Law Enforcement Training Course was revised, including an upgrading of the instruction given to and qualifications required of new recruits. Since new officers are now being required to qualify at night with a shotgun and the handgun and shotgun courses of fire now include a combat course, the in-service standard is being studied to determine whether similar requirements should be placed upon veteran officers. If so, the rules within this Section may need to be amended.

**Comment Procedures:** Comments may be submitted to Julia A. Lohman, Rule-making Coordinator, PO Drawer 629, Raleigh, NC 27602.

**CHAPTER 07 - COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0209 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Development exceptions in the 30 foot Buffer Zone.

**Reason for Proposed Action:** The proposed amendment would establish criteria for exceptions to the regulatory requirement, effective on August 1, 2000, of a 30 foot development setback along public trust and estuarine waters to allow construction of residences on previously platted undeveloped lots that are located in intensively developed areas and that would otherwise be prohibited under rules adopted by the Commission pursuant to G.S. 113A, Article 7.

**Comment Procedures:** Comments may be submitted to Bill Crowell, 1638 Mail Service Center, Raleigh, NC 27699-1638, phone 919-733-2293.

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**CHAPTER 07 – COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0209 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Buffer use exceptions

**Reason for Proposed Action:** The purpose of this rule amendment is to exempt a specified list of the most common existing non-water dependent uses typically found in the 30 foot buffer area which staff believed could be authorized with very little impact to water quality.

**Comment Procedures:** Comments may be submitted to Mike Lopazanski, 1638 Mail Service Center, Raleigh, NC 27699-1638, phone 919-733-2293.

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**CHAPTER 07 – COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0309, .0311; 07K .0212 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113-119.1

**Statement of the Subject Matter:**  
15A NCAC 07H .0309 – Oceanfront setback exceptions  
15A NCAC 07H .0311; 07K .0212 – Installation and maintenance of sand fencing

**Reason for Proposed Action:**

15A NCAC 07H .0309 – The purpose of this proposed rule amendment is to prohibit the siting of substantial and potentially debris-generating accessory structures such as swimming pools, tennis courts and hard-surfaced parking areas within the mandatory (small structure) oceanfront setback, as defined in 15A NCAC 07H .0306(a).

15A NCAC 07H .0311; 07K .0212 – These proposed new rules would regulate sand fencing, which is the most commonly used method of promoting dune accretion along the State's coast. These rules are designed to ensure that sand fences are installed and maintained in a manner that does not impede nesting sea turtles, emergency vehicles, or public access rights.

**Comment Procedures:** Comments may be submitted to James Rosich, NC Division of Coastal Management, 1638 Mail Service Center, Raleigh, NC 27699-1638.

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

**TITLE 16 – DEPARTMENT OF PUBLIC EDUCATION**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rules cited as 16 NCAC 06D .0305, .0502; 06G .0305. Notice of Rule-making Proceedings was not applicable under G.S. 115C-17.*

**Proposed Effective Date:** August 1, 2002

**Public Hearing:**

**Date:** May 9, 2001

**Time:** 1:00 p.m.

**Location:** Room 224 North, Education Building, 301 N. Wilmington St., Raleigh, NC

**Reason for Proposed Action:**

**16 NCAC 06D .0305** – *The State Board has determined that the inclusion of all high school courses in which an end-of-course test is administered will provide greater reliability in the ABCs program.*

**16 NCAC 06D .0502** – *The State Board has determined that the requirement for passing the exit exam must be delayed so that the exit exam may be properly developed and validated prior to administration.*

**16 NCAC 06G .0305** – *The State Board has determined that because of the requirement to test students who had previously been excluded from testing because of disability or limited English proficiency, writing test results should not be included in a school's growth/gain composite until the State Board has three years of comparable data available. Without this data, test results will not be statistically reliable.*

**Comment Procedures:** *Comments may be presented orally or in writing at the hearing or in writing directed to the Rule-making Coordinator by mail, e-mail, or fax at (919)807-3407. Comments will be received through May 16, 2001.*

**Fiscal Impact**

- State
- Local
- Substantive (≥\$5,000,000)
- None

**CHAPTER 06 – ELEMENTARY AND SECONDARY EDUCATION**

**SUBCHAPTER 06D – INSTRUCTION**

**SECTION .0300 – TESTING PROGRAMS**

**16 NCAC 06D .0305      END-OF-COURSE TESTS**

(a) The LEA shall include each student's end-of-course test results in the student's permanent records and high school transcript.

(b) The LEA shall give each end-of-course test within a 110-minute period within the final 10 days of the course.

(c) Starting with the ~~2000-2001~~ 2001-2002 school year LEAs shall use ~~EOC test~~ results from all multiple-choice EOC tests as at least 25 percent of the student's final grade for ~~the following courses: English I, Algebra I, Biology, US History, and Economic, Legal, and Political Systems (ELPS). LEAs shall use EOC test results from other courses as a part of the student's final grade.~~ each respective course. LEAs shall adopt policies regarding the use of EOC test results in assigning final grades.

(d) Students who are enrolled for credit in courses in which end-of-course tests are required shall take the appropriate end-of-course test.

(e) Students who are exempt from final exams by local board of education policy shall not be exempt from end-of-course tests.

(f) Each student shall take the appropriate end-of-course test the first time the student takes the course even if the course is an honors or advanced placement course.

(g) Students shall take the appropriate end-of-course test at the end of the course regardless of the grade level in which the course is offered.

(h) Students who are identified as failing a course for which an end-of-course test is required shall take the appropriate end-of-course test.

(i) Effective with the 1999-2000 school year students may drop a course with an end-of-course test within the first 10 days of a block schedule or within the first 20 days of a traditional schedule.

*Authority G.S. 115C-12(9)c.; 115C-81(b)(4).*

**SECTION .0500 – DEFINITIONS**

**16 NCAC 06D .0502      STUDENT ACCOUNTABILITY STANDARDS**

(a) Gateway 1—Grade 3. In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students who score at Level III or above and who meet all local promotion requirements shall be promoted to grade 4 unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2001-02 school year.

(b) Gateway 2—Grade 5. In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, LEAs shall use the grade 4 writing assessment as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The

principal and teacher(s) shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6. Students who score at Level III or above on reading and mathematics, who meet all local promotion standards, and who make adequate progress in writing shall be promoted to grade 6, unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2000-01 school year.

(c) Gateway 3—Grade 8. In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on an end-of-grade test in both reading and mathematics. Additionally, the LEA shall use the grade 7 writing assessment as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9. Students who score at Level III or above on reading and mathematics, who meet all local promotion standards, and who make adequate progress in writing shall be promoted to grade 9 unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2001-02 school year.

(d) Gateway 4—Grade 12. Students shall meet the following requirements to receive a North Carolina high school diploma:

- (1) meet existing local and state graduation requirements;
- (2) score at proficiency level III or above on the exit exam of essential skills. Students shall take this exam in the spring of the students' 11th grade year. This requirement shall apply to students who enter the ninth grade for the ~~1999-2000~~ first time in the 2001-2002 school year.
- (3) achieve a passing score on the computer skills test as set forth in Rule .0503(c) of this Subchapter.

*Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5.*

**SUBCHAPTER 06G – EDUCATION AGENCY  
RELATIONS**

**SECTION .0300 – PERFORMANCE-BASED  
ACCOUNTABILITY PROGRAM**

Editor's Note: Previous temporary amendments that became effective March 5, 2001, are not affected by this amendment and appear in bold print.

**16 NCAC 06G .0305 ANNUAL PERFORMANCE  
STANDARDS, GRADES K-12**

(a) For purposes of this Section, the following definitions shall apply to kindergarten through twelfth grade:

- (1) "Accountability measures" are SBE-adopted tests designed to gauge student performance and achievement.

(2) "b<sub>0</sub>" means the state average rate of growth used in the regression formula for the respective grades and content areas (reading and mathematics) in grades 3 through 8 and grade 10; or the state average performance used in the prediction formula for respective high school end-of-course tests. The values for b<sub>0</sub> shall be as follows:

- (A) for reading:
  - (i) 6.2 for grade 3;
  - (ii) 5.2 for grade 4;
  - (iii) 4.6 for grade 5;
  - (iv) 3.0 for grade 6;
  - (v) 3.3 for grade 7;
  - (vi) 2.7 for grade 8; and
  - (vii) 2.3 for grade 10.
- (B) for mathematics:
  - (i) 12.8 for grade 3;
  - (ii) 7.3 for grade 4;
  - (iii) 7.4 for grade 5;
  - (iv) 7.1 for grade 6;
  - (v) 6.5 for grade 7;
  - (vi) 4.9 for grade 8; and
  - (vii) 2.3 for grade 10.
- (C) for EOC courses:
  - (i) 60.4 for Algebra I;
  - (ii) 55.2 for Biology;
  - (iii) 54.0 for ELPS (Economic, Legal, and Political Systems);
  - (iv) 53.3 for English I;
  - (v) 56.0 for U.S. History;
  - (vi) 59.3 for Algebra II;
  - (vii) 56.9 for Chemistry;
  - (viii) 58.5 for Geometry;
  - (ix) 53.8 for Physical Science; and
  - (x) 56.1 for Physics.

(3) "b<sub>1</sub>" means the value used to estimate true proficiency in the regression formulas for grades 3 through 8 and grade 10. The values for b<sub>1</sub> shall be as follows:

- (A) for reading:
  - (i) 0.46 for grade 3;
  - (ii) 0.22 for grades 4 through 8; and
  - (iii) 0.24 for grade 8 to 10.
- (B) for mathematics:
  - (i) 0.30 for grade 3;
  - (ii) 0.26 for grades 4 through 8; and
  - (iii) 0.28 for grade 8 to 10.

(4) "b<sub>2</sub>" means the value used to estimate regression to the mean in the regression formula for grades 3 through 8 and 10. The values for b<sub>2</sub> shall as follows:

- (A) for reading:
  - (i) -0.91 for grade 3;
  - (ii) -0.60 for grades 4 through 8; and
  - (iii) -0.52 for grades 8 to 10.

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| <p>(B) for mathematics:</p> <p style="padding-left: 20px;">(i) -0.47 for grade 3;</p> <p style="padding-left: 20px;">(ii) -0.58 for grades 4 through 8; and</p> <p style="padding-left: 20px;">(iii) -0.43 for grades 8 to 10.</p> <p>(5) "<math>b_{IRP}</math>" means the value used to estimate the effect of the school's average reading proficiency on the predicted average EOC test score. The values for <math>b_{IRP}</math> shall be as follows:</p> <p style="padding-left: 20px;">(A) 0.71 for Biology;</p> <p style="padding-left: 20px;">(B) 0.88 for ELPS;</p> <p style="padding-left: 20px;">(C) 1.01 for English I;</p> <p style="padding-left: 20px;">(D) 0.68 for U.S. History;</p> <p style="padding-left: 20px;">(E) 0.43 for Algebra II;</p> <p style="padding-left: 20px;">(F) 0.42 for Geometry; and</p> <p style="padding-left: 20px;">(G) 0.58 for Physical Science.</p> <p>(6) "<math>b_{IMP}</math>" means the value used to estimate the effect of the school's average math proficiency on the predicted average EOC test score. The values for <math>b_{IMP}</math> shall be as follows:</p> <p style="padding-left: 20px;">(A) 0.88 for Algebra I;</p> <p style="padding-left: 20px;">(B) 0.318 for Biology;</p> <p style="padding-left: 20px;">(C) 0.88 for ELPS;</p> <p style="padding-left: 20px;">(D) 0.15 for U.S. History;</p> <p style="padding-left: 20px;">(E) 0.39 for Geometry;</p> <p style="padding-left: 20px;">(F) 0.34 for Physical Science; and</p> <p style="padding-left: 20px;">(G) 0.58 for Physics.</p> <p>(7) "<math>b_{IAP}</math>" means the value used to estimate the effect of the school's average Algebra I proficiency on the predicted average EOC test score. The values for <math>b_{IAP}</math> shall be as follows:</p> <p style="padding-left: 20px;">(A) 0.89 for Algebra II;</p> <p style="padding-left: 20px;">(B) 0.18 for Chemistry; and</p> <p style="padding-left: 20px;">(C) 0.43 for Geometry.</p> <p>(8) "<math>b_{IBP}</math>" means the value used to estimate the effect of the school's average Biology proficiency on the predicted average EOC test score. The values for <math>b_{IBP}</math> shall be 0.51 for Chemistry and 0.66 for Physics.</p> <p>(9) "<math>b_{IEP}</math>" means the value used to estimate the effect of the school's average English I proficiency on the predicted average EOC test score. The values for <math>b_{IEP}</math> shall be 0.27 for Chemistry and 0.32 for Physics.</p> <p>(10) "Compliance commission" means that group of 22 persons selected by the SBE to advise the SBE on testing and other issues related to school accountability and improvement. The commission shall be composed of two members from each of the eight educational districts: five teachers, five principals, four central office staff representatives, two local school board representatives; and five at-large members who represent parents, business (two members), and the community.</p> <p>(11) "Composite score" means a summary of student performance in a school. A composite score may include reading, writing, and mathematics in grades 3 through 8 and in Algebra I &amp; II, Biology, ELPS, English I, English II (Writing), Geometry, Chemistry, Physics, Physical Science, and U.S. History in</p> | <p>a school where one or more of these EOC tests are administered, as well as student performance on the NC High School Comprehensive Test, the NC Computer Skills Test, competency passing rate, dropout rates, and percent diploma recipients who satisfy the requirements for College Prep/College Tech Prep courses of study in grades 9 through 12 to the extent that any apply in a given school.</p> <p>(12) "Eligible students" means the total number of students in membership minus the number of students excluded from participation in a statewide assessment.</p> <p>(13) "Expected growth" means the amount of growth in student performance that is projected through use of the regression formula in grades 3 through 8 and grade 10 in reading and mathematics.</p> <p>(14) "Exemplary growth" means the amount of growth in student performance in grades 3 through 8 and grade 10 in reading and mathematics that is projected through use of the regression formula that includes the state average rate of growth adjusted by an additional 10 percent.</p> <p>(15) "Growth standards" are the benchmarks set annually by the SBE to measure a school's progress.</p> <p>(16) "IRM" is the index for regression to the mean used in the regression formula. The SBE shall compute the IRM for reading by subtracting the North Carolina average reading scale score from the local school average reading scale score. The SBE shall compute the IRM for mathematics by subtracting the North Carolina average reading scale score from the local school average mathematics scale score. The SBE shall base the state average on data from the 1994-95 school year.</p> <p>(17) "ITP" is the index for true proficiency used in the regression formula. The SBE shall compute the ITP by adding the North Carolina average scale scores in reading and mathematics and subtracting that sum from the addition of the local school average scale scores in reading and mathematics. The SBE shall base the state average on data from the 1994-95 school year.</p> <p>(18) "IRP" is the index of reading proficiency used in the prediction formula. The SBE shall compute the "IRP" by calculating the average reading scale score for students in the school and subtracting the average reading scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.</p> <p>(19) "IMP" is the index of mathematics proficiency used in the prediction formula. The SBE shall compute the "IMP" by calculating the average mathematics scale score for students in the school and subtracting the average mathematics scale score for North Carolina</p> |
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- schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.
- (20) "IAP" is the index of Algebra I proficiency used in the prediction formula. The SBE shall compute the "IAP" by calculating the average Algebra I scale score for students in the school and subtracting the average Algebra I scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.
- (21) "IBP" is the index of Biology proficiency used in the prediction formula. The SBE shall compute the "IBP" by calculating the average Biology scale score for students in the school and subtracting the average Biology scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.
- (22) "IEP" is the index of English I proficiency used in the prediction formula. The SBE shall compute the "IEP" by calculating the average English I scale score for students in the school and subtracting the average English I scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.
- (23) "Performance Composite" is the percent of scores of students in a school ~~who that~~ are at or above Level ~~III or III~~, are at a passing level on the Computer Skills Test (students in eighth grade only) as specified by 16 NCAC 06D ~~.0503(e), .0503(c), and at proficiency level or above on the Alternate Assessment Portfolio to the extent that any apply in a given school. In determining the number of scores of students who are performing at or above Level III at a school, the~~ The SBE shall:
- (A) determine the number of scores that are at Level III or IV in reading, mathematics, or writing across grades 3 through 8 and 10, or on all EOC tests administered as a part of the statewide testing program; add the number of scores that are at a passing level on the NC Computer Skills ~~Test; Test (students in eighth grade only); add the number of scores that are proficient or above on the Alternative Assessment Portfolio;~~ Test (students in eighth grade only); add the number of scores that are proficient or above on the Alternative Assessment Portfolio; and use the total of these numbers as the numerator;
- (B) determine the number of student scores in reading, mathematics, or writing, ~~or Computer Skills in across~~ across grades 3 through 8 and 10; or ~~determine the number of student scores~~ on all EOC tests administered as part of the statewide testing program; add the number of student scores on the N.C. Computer Skills
- Test (students in eighth grade only); add the number of student scores on the Alternate Assessment Portfolio; and use ~~this number—the total of these numbers~~ as the denominator; and
- (C) total the numerators for each content area and subject, total the denominators for each content area and subject, and divide the denominator into the numerator to compute the performance composite.
- (24) "Predicted EOC mean" is the average student performance in a school on an EOC test that is projected through the use of the prediction formula.
- (25) "Predicted EOC exemplary mean" is the average student performance in a school on an EOC test that is projected through the use of the prediction formula that includes the state average adjusted by an additional five percent.
- (26) "Prediction formula" means a regression formula used in predicting a school's EOC test mean for one school year.
- (27) "Regression formula" means a formula that defines one variable in terms of one or more other variables for the purpose of making a prediction or constructing a model.
- (28) "Standard deviation" is a statistic that indicates how much a set of scores vary. Standard deviation values used for the growth standards are as follow:
- (A) for reading in grades K-8:
- (i) 1.7 for grade 3;
  - (ii) 1.3 for grade 4;
  - (iii) 1.2 for grade 5;
  - (iv) 1.3 for grade 6;
  - (v) 1.1 for grade 7;
  - (vi) 1.2 for grade 8; and
  - (vii) 1.6 for grade 10.
- (B) for mathematics in grades K-8:
- (i) 2.6 for grade 3;
  - (ii) 2.1 for grade 4;
  - (iii) 2.0 for grade 5;
  - (iv) 2.1 for grade 6;
  - (v) 2.0 for grade 7;
  - (vi) 1.7 for grade 8; and
  - (vii) 2.0 for grade 10.
- (C) for courses with an EOC test:
- (i) 3.3 for Algebra I;
  - (ii) 2.6 for Biology;
  - (iii) 3.1 for ELPS;
  - (iv) 1.8 for English I;
  - (v) 7.6 for English II (expected gain);
  - (vi) 7.5 for English II (exemplary gain);
  - (vii) 2.2 for U.S. History;
  - (viii) 2.9 for Algebra II;
  - (ix) 2.5 for Chemistry;
  - (x) 2.5 for Geometry;
  - (xi) 2.5 for Physical Science;

- (xii) 3.3 for Physics;
- (xiii) 10.0 for College Prep/College Tech Prep (CP/CTP);
- (xiv) 12.8 for Competency Passing Rate; and
- (xv) Dropout Rate will be determined based upon data from the 2000-01 school year.

**(29) "Weight" means the number of students used in the calculation of the amount of growth/gain for a subject or content area.**

(b) In carrying out its duty under G.S. 115C-105.35 to establish annual performance goals for each school, the SBE shall use both growth standards and performance standards.

- (1) The SBE shall calculate the expected growth rate for grades 3 through 8 and grade 10 in an individual school by using the regression formula "Expected Growth =  $b_0 + (b_1 \times ITP) + (b_2 \times IRM)$ ."
- (2) The SBE shall calculate the predicted EOC expected mean for courses in which end-of-course tests are administered by using the prediction formulas that follow.
  - (A) "Predicted Algebra I Mean Score =  $b_0 + (b_{IMP} \times IMP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency.
  - (B) "Predicted Biology Mean Score =  $b_0 + (b_{IRP} \times IRP) + (b_{IMP} \times IMP) + (b_{IMP}^2 \times IMP^2) + (b_{IMP}^3 \times IMP^3)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency, and  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency.
  - (C) "Predicted ELPS Mean Score =  $b_0 + (b_{IRP} \times IRP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency.
  - (D) "Predicted English I Mean Score =  $b_0 + (b_{IRP} \times IRP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency.
  - (E) "Predicted U.S. History Mean Score =  $b_0 + (b_{IRP} \times IRP) + (b_{IMP} \times IMP) + (b_{IMP}^2 \times IMP^2)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency,  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency.
  - (F) "Predicted Algebra II Mean Score =  $b_0 + (b_{IRP} \times IRP) + (b_{IAP} \times IAP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency, and  $(b_{IAP} \times IAP)$  is the impact of Algebra Proficiency.

- (G) "Predicted Chemistry Mean Score =  $b_0 + (b_{IAP} \times IAP) + (b_{IBP} \times IBP) + (b_{IEP} \times IEP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IAP} \times IAP)$  is the impact of Algebra Proficiency,  $(b_{IBP} \times IBP)$  is the impact of Biology Proficiency, and  $(b_{IEP} \times IEP)$  is the impact of English I Proficiency.
- (H) "Predicted Geometry Mean Score =  $b_0 + (b_{IRP} \times IRP) + (b_{IMP} \times IMP) + (b_{IAP} \times IAP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency,  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency, and  $(b_{IAP} \times IAP)$  is the impact of Algebra I Proficiency.
- (I) "Predicted Physical Science Mean Score =  $b_0 + (b_{IRP} \times IRP) + (b_{IMP} \times IMP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IRP} \times IRP)$  is the impact of Reading Proficiency,  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency.
- (J) "Predicted Physics Mean Score =  $b_0 + (b_{IMP} \times IMP) + (b_{IBP} \times IBP) + (b_{IEP} \times IEP)$ ," where  $b_0$  is the North Carolina average of school means and  $(b_{IMP} \times IMP)$  is the impact of Mathematics Proficiency,  $(b_{IBP} \times IBP)$  is the impact of Biology Proficiency, and  $(b_{IEP} \times IEP)$  is the impact of English I Proficiency.

(c) Schools shall be accountable for student performance and achievement.

- (1) To be included in accountability measures for the growth standard, a student in grade three through grade eight must:
  - (A) have a pre-test score and a post-test score in reading and mathematics. Students in grades four or seven with writing scores shall also be included; and
  - (B) have been in membership more than one-half of the instructional period (91 of 180 days).
- (2) Students in grades 9-12 shall be included in the performance composite:
  - (A) if they have reading, mathematics, writing, Computer Skills, or EOC scores without reference to pretest scores or length of membership;
  - (B) if they have been in membership 160 of 180 days; and
  - (C) if they have scores for all tests used in the prediction formula.

(d) The SBE shall include in the accountability system on the same basis as all other public schools each alternative school with an identification number assigned by the Department. Test scores for students who attend programs or classes in a facility

that does not have a separate school number shall be reported to and included in the students' home schools.

(e) Each K-8 school shall test at least 98 percent of its eligible students. If a school fails to test at least 98 percent of its eligible students for two consecutive school years, the SBE may designate the school as low-performing and may target the school for assistance and intervention. Each school shall make public the percent of eligible students that the school tests.

(f) High schools shall test at least 95 percent of enrolled students who are subject to EOC tests and the NC Comprehensive Test, regardless of exclusions. High schools that test fewer than 95 percent of enrolled students for two consecutive years may be designated as low-performing by the SBE.

(g) All students who are following the standard course of study and who are not eligible for exclusion as set out in Paragraph (g) of this Rule shall take the SBE-adopted tests. Every student, including those students who are excluded from testing, shall complete or have completed an answer document (except in writing). Both the school and the LEA shall maintain records on the exclusions of students from testing. The Department may audit these records.

(h) Individual students may be excluded from SBE-adopted tests as follows:

- (1) Limited English proficient students may be excluded for ~~up to two years one year~~ beginning with the time of enrollment in the LEA if the student's English language proficiency has been assessed as novice/low to intermediate/low in listening, reading, and writing. A student whose English language proficiency has been assessed as intermediate/high or advanced may be excluded from tests in which the student writes responses for up to two years. 12 months after a limited English proficient student has enrolled in the LEA, the student must be reassessed on the same language proficiency test that was used as a part of the identification of the student for inclusion in the limited English proficiency program in that LEA. A student assessed as novice/low to intermediate/low after 12 months may be excluded for an additional 12 months. A student assessed as intermediate/high or above must participate in the state testing program. After two years from the time of initial enrollment in the LEA, all limited English proficiency students must participate in the state testing program. LEAs shall report results of the initial language proficiency test and the results on the same test 12 months after enrollment in the LEA to the Department. LEAs shall use other assessment methods for excluded students to demonstrate that these students are progressing in ~~English and~~ other subject areas.

- (2) ~~Students with disabilities may be excluded on an individual basis if the exclusion is stated in the student's IEP and if the student is following a functional curriculum~~

~~as defined by 16 NCAC 6D .0501(3). If a student with disabilities is excluded from participation in a statewide assessment in one subject but is included in testing for the remaining subjects, that student shall be included in the school's percent tested requirement. The parent or guardian, or the student if over age 18, shall sign a written consent for test exclusion that certifies that the parent, guardian, or student understands that the exclusion for the eighth grade tests may cause the student not to be eligible to receive a high school diploma. All students with disabilities including those identified under Section 504 shall be included in the statewide testing program through the use of state tests with appropriate accommodations or through the use of other state assessments designed for these students. The student's IEP team shall determine whether a testing accommodation is appropriate for that student's disability or whether the student should be assessed using another state assessment designed for that student's disability.~~

- (i) ~~LEAs shall administer alternative assessments to students who are excluded from participation in a regular statewide assessment to demonstrate mastery of course or specific curriculum content. Students in grades 3-8 and 10 with IEPs and serious cognitive deficits and whose program of study focuses on functional/life skills shall participate in the North Carolina Alternate Assessment Portfolio as an alternative.~~

(j) The SBE shall calculate a school's expected growth/gain composite in student performance using the following process:

- (1) ~~Calculate the indices for writing in grades 4 and 7 (separately) for the three most current years for achievement levels as defined by 16 NCAC 6C .0103(a)(1) as follows:~~
  - (A) ~~Multiply the percent of students at level IV by 3.~~
  - (B) ~~Multiply the percent of students at level III by 2.~~
  - (C) ~~Determine the percent of students at level II.~~
  - (D) ~~Add the three numbers together and divide by three.~~
  - (E) ~~Determine the difference in scores that is greatest by subtracting the index two years ago from the most recent index and then by subtracting the index for the prior school year from the most recent index. Multiply the resulting difference by one half.~~
  - (F) ~~Subtract 0.1 from the difference.~~
  - (G) ~~Divide by the associated standard deviation. The result is the standard gain for writing.~~

- (2)(1) Review expected and exemplary growth standards for all grades and subjects, and review the predicted EOC mean for expected

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- standard gain and the exemplary standard gain for EOC courses.
- (3)(2) Determine the actual growth in reading and mathematics at each grade level included in the state testing program, using data on groups of students, and determine the actual EOC mean for EOC tests using data on the same groups of students from one point in time to another point in time.
- (4)(3) Subtract the expected growth from the actual growth in reading and mathematics at grades 3 through 8 and grade 10; then subtract the predicted EOC mean from the actual EOC mean for EOC tests.
- (5)(4) Divide the differences for ~~reading, writing,~~ **reading** and mathematics by the standard deviations of the respective differences in growth/gain at each grade level and for each EOC to determine the standard growth score.
- (6)(5) The SBE shall calculate a school's gain composite in college prep/college tech prep using the following process:
- (A) Compute the percent of graduates who receive diplomas who completed either course of study in the current accountability year. Students shall be counted only once if they complete more than one course of study.
- (B) Find the baseline, which is the average of the two prior school years' percent of graduates who received diplomas and who completed a course of study.
- (C) Subtract the baseline from the current year's percentage.
- (D) Subtract 0.1, unless the percentages are both 100. If both percentages are 100, the gain is zero.
- (E) Divide by the associated standard deviation. The result is the standard gain for college prep/college tech prep.
- (7)(6) The SBE shall calculate a school's expected gain composite in the competency passing rate by comparing the grade 10 competency passing rate on a matched set of students to the grade 8 passing rate for the same group of students.
- (A) Subtract the grade 8 rate from the grade 10 rate.
- (B) Subtract 0.1.
- (C) Divide by the standard deviation. The result is the standard gain in competency passing rate.
- (8)(7) Determine the composite expected gain in English II for a high school as follows:
- (A) Compute the English II index for the current year and for the two previous years by multiplying the percentage of students at level IV by 3, the percentage of students at level III by 2, and the percentage of students at level II by 1. Add the products and divide by 3 to obtain the EOC index.
- (B) Compute the EOC indices for the same three years.
- (C) Determine the baseline by adding Year One and Year Two and dividing by 2.
- (D) Subtract the baseline from the current year's index.
- (E) Subtract 0.1 from the difference.
- (F) Divide the result by the associated standard deviation of change. This is the standard expected gain for English II.
- (9)(8) The SBE shall calculate a school's expected growth/gain composite by ~~adding~~ **multiplying** the expected standard growth scores for reading and mathematics at each grade level from grade 3 to 8 and 10, EOC gain, ~~writing at grades 4 and 7,~~ gain in competency passing rate, gain in college prep/college tech prep, change in dropout rate, and English II ~~gain,~~ **gain by the respective weight for each**, as they may apply in a given school. **These values shall be summed and divided by the sum of all the weights.** If the resulting number is zero or above, the school has made the expected growth standard.
- (10)(9) The SBE shall compute exemplary growth using the exemplary growth standard ( $b_o \times 1.10$ ) in the accountability formula for grades 3 through 8 and 8 to 10 in reading and mathematics, and ( $b_o \times 1.051.03$ ) for predicted EOC means. There is no exemplary standard for ~~writing,~~ competency passing ~~rate,~~ **rate** or college prep/college tech prep gain.
- (11)(10) To determine the composite score for exemplary standards:
- (A) Subtract the exemplary growth/gain from the actual growth/gain standard in reading and mathematics at grades 3 through 8 and 10; subtract the predicted exemplary EOC mean from the actual EOC mean for each EOC test. ~~In writing, one-tenth (.1) must be subtracted from the greater of the two writing differences.~~
- (B) Divide the difference in growth/gain by the standard deviations of the respective differences in growth/gain to determine the standard growth/gain score.
- (C) ~~Add~~ **Multiply** the exemplary standard growth/gain scores for reading and mathematics at each grade level from grade 3 to 8 and 10, EOC gain, expected standard gain in ~~writing at grades 4 and 7,~~ Competency Passing Rate, Dropout Rate, and for College Prep/College Tech Prep, and exemplary standard gain in English ~~II,~~ **II by the**

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**respective weight for each, as they may apply in a given school. These values shall be summed and divided by the sum of all the weights.** If the resulting number is zero or above, the school has met the exemplary growth standard.

(k) If school officials believe that the school's growth standards were unreasonable due to specific, compelling reasons, the school may appeal its growth standards to the SBE. The SBE shall appoint an appeals committee composed of a panel selected

from the compliance commission to review written appeals from schools. The school officials must clearly document the circumstances that made the goals unrealistic and must submit its appeal to the SBE within 30 days of receipt of notice from the Department of the school's performance. The appeals committee shall review all appeals and shall make recommendations to the SBE. The SBE shall make the final decision on the reasonableness of the growth goals.

*Authority G.S. 115C-12(9)c4.*

*This Section includes temporary rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code and includes, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Rule-making Agency:** *DHHS – Division of Medical Assistance*

**Rule Citation:** *10 NCAC 50B .0311*

**Effective Date:** *April 16, 2001*

**Findings Reviewed and Approved by:** *Julian Mann, III*

**Authority for the rulemaking:** *G.S. 108A-54; 108A-55; 108A-58; 42 U.S.C. 703, 704, 1396; 42 C.F.R. 435.121; 42 C.F.R. 435.210; 42 C.F.R. 435.711; 42 C.F.R. 435.712; 42 C.F.R. 435.734; 42 C.F.R. 435.823; 42 C.F.R. 435.840; 42 C.F.R. 435.841; 42 C.F.R. 435.845; 42 C.F.R. 445.850; 42 C.F.R. 435.851; 45 C.F.R. 233.20; 45 C.F.R. 233.51*

**Reason for Proposed Action:** *Section 11.11 of House Bill required the Department of Health and Human Services to conduct a study of the feasibility and costs of increasing the resource limits for Medicaid for the Aged, Blind and Disabled. Out of the resource study the General Assembly implemented two suggestions from the study in House Bill 1840 Section 11.12(x). Exclude all burial plots and exclude the cash value of life insurance when the total face value of cash value bearing life insurance policies does not exceed \$10,000.*

**Comment Procedures:** *Written comments concerning this rule-making action must be submitted to Portia W. Rochelle, Rule-making Coordinator, Division Medical Assistance, 1985 Umstead Dr., 2504 Mail Service Center, Raleigh, NC 27699-2504.*

**CHAPTER 50 – MEDICAL ASSISTANCE**

**SUBCHAPTER 50B – ELIGIBILITY DETERMINATION**

**SECTION .0300 – CONDITIONS FOR ELIGIBILITY**

**10 NCAC 50B .0311 RESERVE**

North Carolina has contracted with the Social Security Administration under Section 1634 of the Social Security Act to provide Medicaid to all SSI recipients. Resource eligibility for individuals under any Aged, Blind, and Disabled coverage group is determined based on standards and methodologies in Title XVI of the Social Security Act except as specified in Items (4) and (5) of this Rule. Applicants for and recipients of Medicaid shall use their own resources to meet their needs for living costs and medical care to the extent that such resources can be made available. Certain resources shall be protected to meet specific

needs such as burial and transportation and a limited amount of resources shall be protected for emergencies.

- (1) The value of resources currently available to any budget unit member shall be considered in determining financial eligibility. A resource shall be considered available when it is actually available and when the budget unit member has a legal interest in the resource and he, or someone acting in his behalf, can take any necessary action to make it available.
  - (a) Resources shall be excluded in determining financial eligibility when the budget unit member having a legal interest in the resources is incompetent unless:
    - (i) A guardian of the estate, a general guardian or an interim guardian has been lawfully appointed and is able to act on behalf of his ward in North Carolina and in any state in which such resources are located; or
    - (ii) A durable power of attorney, valid in North Carolina and in any state in which such resource is located, has been granted to a person who is authorized and able to exercise such power.
  - (b) When there is a guardian, an interim guardian, or a person holding a valid, durable power of attorney for a budget unit member, but such person is unable, fails, or refuses to act promptly to make the resources actually available to meet the needs of the budget unit member, a referral shall be made to the county department of social services for a determination of whether the guardian or attorney in fact is acting in the best interests of the member and if not, the county department of social services shall contact the clerk of court for intervention. The resources shall be excluded in determining financial eligibility pending action by the clerk of court.
  - (c) When a Medicaid application is filed on behalf of an individual who:
    - (i) is alleged to be mentally incompetent,

- (ii) has or may have a legal interest in a resource that affects the individual's eligibility, and
- (iii) does not have a representative with legal authority to use or dispose of the individual's resources, the individual's representative or family member shall be instructed to file within 30 calendar days a judicial proceeding under G.S. 35A to declare the individual incompetent and appoint a guardian. If the representative or family member either fails to file such a proceeding within 30 calendar days or fails to timely conclude the proceeding, a referral shall be made to the services unit of the county department of social services for guardianship services. If the allegation of incompetence which has lasted, or is expected to last, 30 consecutive days or more, or until the individual's death, is supported by competent evidence, as specified in Sub-item (1)(f) of this Rule, the resources shall be excluded beginning with the date that such evidence indicates that he became incompetent, except as provided in Sub-items (1)(d) or (1)(e) of this Rule.
- (d) The budget unit member's resources shall be counted in determining his eligibility for Medicaid beginning the first day of the month following the month a guardian of the estate, general guardian or interim guardian is appointed, provided that after the appointment, property which cannot be disposed of or used except by order of the court shall continue to be excluded until completion of the applicable procedures for disposition specified in G.S. 1 or G.S. 35A.
- (e) When the court rules that the budget unit member is competent or no ruling is made because of the death or recovery of the member, his resources shall be counted except for periods of time for which it can be established by competent evidence specified in Sub-item (1)(f) of this Rule, that the member was in fact incompetent for at least 30 consecutive days, or until his death. Any such showing of incompetence is subject to rebuttal by competent evidence as specified in Sub-item (1)(f) of this Rule.
- (f) For purposes of this Rule, competent evidence is limited to the written statement or testimony at a competency hearing of a physician, psychologist, nurse, or social worker with knowledge of the condition of the individual, the basis of that knowledge, the beginning date of incompetence, the reason the individual is incompetent, and if no longer incompetent, when the individual recovered competence.
- (2) The limitation of resources held for reserve for the budget unit shall be as follows:
  - (a) for Family and Children's related categorically and medically needy cases, three thousand dollars (\$3,000) per budget unit;
  - (b) for aged, blind, and disabled cases, two thousand dollars (\$2000) for a budget unit of one and three thousand dollars (\$3000) for a budget unit of two.
- (3) If the value of countable resources of the budget unit exceeds the reserve allowance for the unit, the case shall be ineligible:
  - (a) For Family and Children's related cases and aged, blind or disabled cases protected by grandfathered provisions, and medically needy cases not protected by grandfathered provision, eligibility shall begin on the day countable resources are reduced to allowable limits or excess income is spent down, whichever occurs later;
  - (b) For categorically needy aged, blind or disabled cases not protected by grandfathered provisions, eligibility shall begin no earlier than the month countable resources are reduced to allowable limits as of the first moment of the first day of the month.
- (4) Resources counted in the determination of financial eligibility for categorically needy aged, blind and disabled cases, and Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, Qualifying Individual and Qualified Disabled Working Individual cases is based on resource standards and methodologies in Title XVI of the Social Security Act except for the following methodologies:
  - (a) The value of personal effects and household goods are not counted.

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- (b) Value of tenancy in common interest in real property is not counted.
- (c) Value of life estate interest in real property is not counted.
- ~~(d) Value of burial plots are not counted.~~
- ~~(e) The cash value of life insurance when the total face value of all cash value bearing life insurance policies does not exceed ten thousand dollars (\$10,000) is not counted.~~
- (5) Resources counted in the determination of financial eligibility for medically needy aged, blind and disabled cases is based on resource standards and methodologies in Title XVI of the Social Security Act except for the following methodologies:
  - (a) The value of personal effects and household goods are not counted.
  - (b) Personal property is not a countable resource if it:
    - (i) is used in a trade or a business; or
    - (ii) is used to produce goods and services for personal use; or
    - (iii) produces a net annual income.
  - (c) Real property not exempted under homesite rules is not a countable resource if it:
    - (i) is used in a trade or business; or
    - (ii) is used to produce goods and services for personal use; or
    - (iii) is non-business income producing property that produces net annual income after operational expenses of at least six percent of equity value per methodologies under Title XVI of the Social Security Act. For purposes of this Sub-item equity of agricultural land, horticultural land, and forestland is the present use value of the land, as defined by G.S. 105-277.1A. et seq., less the amount of debts, liens or other encumbrances.
  - (d) Value of tenancy in common interest in real property is not counted.
  - (e) Value of life estate interest in real property is not counted.
  - (f) Individuals with resources in excess of the resource limit at the first moment of the month may become eligible at the point that resources are reduced to the allowable limit.
  - ~~(g) Value of burial plots are not counted.~~
  - ~~(h) The cash value of life insurance when the total face value of all cash value bearing life insurance polities does~~
- ~~not exceed ten thousand dollars (\$10,000) is not counted.~~
- (6) Resources counted in the determination of financial eligibility for categorically needy Family and Children's related cases are:
  - (a) Cash on hand;
  - (b) The balance of savings accounts, including savings of a student saving his earnings for school expenses;
  - (c) The balance of checking accounts less the current monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified;
  - (d) The portion of lump sum payments remaining after the month of receipt;
  - (e) Cash value of life insurance policies owned by the budget unit;
  - (f) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
  - (g) Patient accounts in long term care facilities;
  - (h) Equity in non-essential personal property limited to:
    - (i) Mobile homes not used as home,
    - (ii) Boats, boat trailers and boat motors,
    - (iii) Campers,
    - (iv) Farm and business equipment;
    - (v) Equity in vehicles in excess of one motor vehicle per adult.
- (7) Resources counted in the determination of financial eligibility for medically needy Family and Children's related cases are:
  - (a) Cash on hand;
  - (b) The balance of savings accounts, including savings of a student saving his earnings for school expenses;
  - (c) The balance of checking accounts less the current monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified or lump sum income from self-employment deposited to pay annual expenses;
  - (d) Cash value of life insurance policies when the total face value of all policies that accrue cash value exceeds one thousand five hundred dollars (\$1,500);
  - (e) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;
  - (f) Patient accounts in long term care facilities;
  - (g) Equity in non-essential, non-income producing personal property limited to:

- (i) Mobile home not used as home,
- (ii) Boats, boat trailers and boat motors,
- (iii) Campers,
- (iv) Farm and business equipment,
- (v) Equity in motor vehicles in excess of one vehicle per adult if not income-producing.

**Comment Procedures:** *Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register. Copies of the rules and information package may be obtained by contacting the Division of Soil And Water Conservation at (919) 715-6109. Written comments may be submitted to Vernon Cox, Division of Soil and Water Conservation, 1614 Mail Service Center, Raleigh, NC 27699-1614. Comments may also be submitted by electronic mail to Vernon.Cox@ncmail.net.*

**CHAPTER 06 – SOIL AND WATER CONSERVATION COMMISSION**

**SUBCHAPTER 06E – AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL**

**SECTION .0100 – AGRICULTURE COST SHARE PROGRAM**

**15A NCAC 06E .0103 ALLOCATION GUIDELINES AND PROCEDURES**

(a) The commission will allocate the cost share funds to the districts in the designated program areas. To receive fund allocations, each district designated eligible by the commission is required to submit an annual strategy plan to the commission at the beginning of each fiscal year. Funds may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.

(b) Funds will be allocated to the districts at the beginning of the fiscal year. Districts will be allocated monies based on the identified level of agricultural related nonpoint source pollution problems and the respective district's BMP installation goals and available technical services as demonstrated in the district annual strategy plan. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters established by the Division and approved by the commission. These parameters are designed to reflect the agricultural nonpoint source problems, the conservation needs, and the technical assistance available in the area of the state included in the current program year funding. Each district is assigned points for its relative position for each ~~parameter, parameter and also for technical assistance hired under the 50:50 cost share (Rule .0106 of this Subchapter)~~ and the points are totaled and proportioned to the total dollars available under the current program year funding.

*History Note: Authority G.S. 108A-54; 108A-55; 108A-58; 42 U.S.C. 703, 704 1396; 42 C.F.R. 435.121; 42 C.F.R. 435.210; 42 C.F.R. 435.711; 42 C.F.R. 435.712; 42 C.F.R. 435.734; 42 C.F.R. 435.823; 42 C.F.R. 435.840; 42 C.F.R. 435.841; 42 C.F.R. 435-845; 42 C.F.R. 445.850; 42 C.F.R. 435.851; 45 C.F.R. 233.20; 45 C.F.R. 233.51; Eff. September 1, 1984; Filed as a Temporary Amendment Eff. September 1, 1985, for a period of 92 days to expire on December 1, 1985; Amended Eff. January 1, 1995; November 1, 1994; September 1, 1993; March 1, 1993; Temporary Amendment Eff. September 13, 1999; Temporary Amendment Expired June 27, 2000; Temporary Amendment Eff. September 12, 2000; Amended Eff. March 19, 2001; Temporary Amendment Eff. April 16, 2001.*

**TITLE 15A- DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**Rule-making Agency:** ENR – Soil & Water Conservation Commission

**Rule Citation:** 15A NCAC 06E .0103

**Effective Date:** May 1, 2001

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rulemaking:** G.S. 139-3; 139-4; 139-8; 143-215.74; 143B-294

**Reason for Proposed Action:** *The Soil & Water Conservation Commission's Cost Share Committee reviewed the existing formula for allocating Agriculture Cost Share Program funds to Soil And Water Conservation Districts and recommended a modification to help ensure that the funds are allocated equitably on the basis of water quality needs and District capabilities.*

(1) ~~Sum of Parameter Points~~ ~~Parameter + District Technical Points~~ = Total Points  
~~Assistance Points~~

(2) Percentage Total                      Total                      Dollars Available  
 Points Each                      x                      Dollars                      =                      to  
 District                      Available                      Each District

(3) Because of other program restraints or increased demands for funds a district may request fewer (Group A) or more (Group B) dollars than are available.

Thus,

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Dollars Available Per District, (2) (A) Group A Districts request less than amount (2). (B) Group B Districts request more than amount (2). Dollars Requested by the District = Difference

- (4) The dollars in excess of Group A District requests are apportioned to Group B Districts in the following manner: Total of Those Funds in Excess of that Requested by Group A Districts x Percentage of Total Excess Requests by each Group B District = Amount Added to Group B (5) Therefore, there are two categories of districts in the allocation method: (A) Those receiving 100 percent of request (Group A). (B) Those receiving less than 100 percent of requests (Group B) who receive amounts (2) plus (4).

(c) 95 percent of the total program funding will be allotted to the district accounts in the initial allocation. The Division will retain five percent of the total funding in a contingency fund to be allocated at a later date as determined by the commission. (d) Cost share funds allocated to a district during a fiscal year that have not been encumbered to an agreement by the third Wednesday of February of that fiscal year will be subject to recall by the commission. (e) Districts with unencumbered funds as of the third Wednesday of February of the current fiscal year may request, in writing to the commission, to retain those funds. Requests must be received by the Division no later than 9:30 a.m. on the first Wednesday of March of the current fiscal year. (f) Districts may apply for additional funds to the commission by written application to be received by the Division no later than 9:30 a.m. on the first Wednesday in March. (g) The amount of recalled funds shall be divided among the eligible districts applying for reallocation based on projected needs as outlined in the written applications received by the commission as stated in Rule .0103(e) of this Subchapter. The Division will notify the commission by the third Wednesday in March of the current balance of funding and the district's requests to retain present allocation and to obtain new funds. The commission shall decide the amount of funds reallocated to each district and the districts will be notified of their final allocation by the fourth Wednesday of March. (h) CPO's that encumber funds under the current year must be submitted to the Division by 9:30 a.m. on the first Wednesday in June.

History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294; Eff. May 1, 1987; Recodified from 15A NCAC 6E .0003 Eff. December 20, 1996; Amended Eff. April 1, 1997; Temporary Amendment Eff. May 1, 2001.

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TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: North Carolina Wildlife Resources Commission

Rule Citation: 15A NCAC 10B .0203, .0208-.0209; 10C .0205, .0211, .0305, .0401-.0402, .0404, .0407; 10D .0103-.0104; 10H .0301, .0901

Effective Date: July 1, 2001

Findings Reviewed and Approved by: Julian Mann, III

Authority for the rulemaking: G.S. 106-549.94; 113-134; 113-135; 113-264; 113-270.3; 113-272; 113-272.2; 113-272.3; 113-272.5; 113-273; 113-274; 113-276; 113-276.1; 113-291.1; 113-291.2; 113-291.5; 113-292; 113-304; 113-305; 150B-21.1(a1); 50 C.F.R., Part 21

Reason for Proposed Action:

15A NCAC 10B .0203 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates the hunting of deer, including seasons and bag limits. A permanent rule will be filed for this temporary rule.

15A NCAC 10B .0208 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates hunting of quail. A permanent rule will be filed for this temporary rule.

15A NCAC 10B .0209 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates hunting, holding or management of the bearded wild turkey. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0205 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including the management of public mountain trout waters. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0211 – The NC Wildlife Resources Commission initiated this temporary rules to conserve wildlife resources by amending the Rule that regulates inland fishing, including the possession of certain fishes. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0305 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including seasonal and bag limits. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0401 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing,

bag limits and manner of taking. A permanent rule will be filed for this temporary rule.

**15A NCAC 10C .0402** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including rules that address taking of nongame fishes for bait. A permanent rule will be filed for this temporary rule.

**15A NCAC 10C .0404, .0407** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including rules that address permitted special devices and open seasons for fishing. A permanent rule will be filed for this temporary rule.

**15A NCAC 10D .0103** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that addresses management gamelands. A permanent rule will be filed for this temporary rule.

**15A NCAC 10D .0104** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates fishing on gamelands. A permanent rule will be filed for this temporary rule.

**15A NCAC 10H .0301** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by the management of deer and wild turkey. A permanent rule will be filed for this temporary rule.

**15A NCAC 10H .0901** – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by the management of game bird propagation. A permanent rule will be filed for this temporary rule.

**Comment Procedures:** The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). These temporary rules are adopted following the public hearing and public comment period established for permanent rule adoption.

**CHAPTER 10 – WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10B – HUNTING AND TRAPPING**

**SECTION .0200 – HUNTING**

**15A NCAC 10B .0203 DEER (WHITE-TAILED)**

(a) Closed Season. All counties and parts of counties not listed under the open seasons in Paragraph (b) in this Rule shall be closed to deer hunting.

(b) Open Seasons (All Lawful Weapons)

(1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons:

(A) ~~Monday-Saturday~~ on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus\*, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax,

Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond\*\*, Robeson, Sampson, Scotland\*\*, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties, and the following parts of counties:

Cumberland: All of the county except that part east of US 401, north of NC 24, and west of I-95;

Harnett: That part west of NC 87;

Moore\*\*: All of the county except that part north of NC 211 and west of US 1;

\*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

\*\*Refer to 15A NCAC 10D .0103(f) (54)(B) for seasons on Sandhills Game Land.

(B) ~~Monday—of Saturday before~~ Thanksgiving ~~week~~ through the third Saturday after Thanksgiving Day in all Alexander, Alleghany, Ashe, Catawba, Davie, ~~Forsythe Forsyth~~, Iredell, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.

(C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Swain, Transylvania, and Yancey counties.

(D) ~~Monday before Two Saturdays before~~ Thanksgiving ~~week~~ through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties, and in the following parts of counties:

Cumberland: That part east of US 401, north of NC 24 and west of I-95;

Harnett: That part east of NC 87;

Moore: That part north of NC 211 and west of US 1;

(E) ~~Monday-Saturday~~ on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde,

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- Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge;
- (F) ~~Monday~~ ~~of Saturday~~ before Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of ~~Cleveland, Gaston, Lincoln, and Rutherford~~ Gaston and Lincoln counties.
- (G) Monday of Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of Cleveland and Rutherford counties.
- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph (Refer to 15A NCAC 10D .0103 for either sex seasons on Game Lands):
- (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the ~~Monday-Saturday~~ on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands during the period from ~~Monday-Saturday~~ on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either sex deer hunts. First Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated

- by agents of the Commission and the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph ~~b~~(1) of this Rule in all of Avery, Buncombe, Haywood, Henderson, Madison, Mitchell, Polk, Transylvania, and Yancey counties and the following parts of counties: Robeson: That part south of NC 211 and west of I-95. Scotland: That part south of US 74.
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Burke, Caldwell, Catawba, Gaston, Lincoln, McDowell, and Watauga and the following parts of counties: Camden: That part south of US 158. Dare: Except the Outer Banks north of Whalebone.
- (F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Carteret, Cleveland, ~~Harnett~~, Hoke, Richmond, Rutherford, counties and in the following parts of counties: Columbus: That part west of US 74, SR 1005, and SR 1125. Cumberland: That part west of I-95. Harnett: That part west of NC 87. Moore: All of the county except that part north of NC 211 and west of US 1. Robeson: ~~That-All of the county except that~~ part south of NC 211 and east-west of I-95. Scotland: That part north of US 74.
- ~~(G) The first six open days, open days the week of Thanksgiving, and the last six open days of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Pasquotank, Tyrrell, Wayne and Wilson counties and in the following parts of counties: Camden: That part north of US 158. Chowan: That part north of US 17 and west of NC 32. Currituck: All of the county except the Outer Banks. Nash: That part south of NC 97. Johnston: That part north of US 70 or west of I-95. In addition, one antlerless deer may be taken anytime during the Deer~~

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~~With Visible Antlers season in the counties listed in this Part.~~

(H)(G) All the open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Chowan, Craven, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Hertford, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Rockingham, Rowan, Sampson, Stanly, Stokes, Surry, Tyrrell, Union, Vance, Wake, Warren, Washington, Wilkes-Wilkes, Wayne, Wilson, and Yadkin counties, and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280.

~~Camden: That part north of US 158.  
Chowan: That part south of US 17 or east of NC 32.~~

Columbus: That part east of a line formed by US 74, SR 1005, and SR 1125.

Cumberland: That part east of I-95.

~~Currituck: All of the county except the Outer Banks.~~

Dare: That part of the Outer Banks north of Whalebone.

~~Harnett: That part east of NC 87.~~

Henderson. That part east of NC 191 and north and west of NC 280.

~~Johnston: That part south of US 70 and east of I-95.~~

Moore: That part north of NC 211 and west of US 1.

~~Nash: That part north of NC 97.~~

(c) Open Seasons (Bow and Arrow)

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:

(A) ~~Monday-Saturday~~ on or nearest September 10 to the fourth ~~Saturday~~ Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (b)(1) of this Rule, except on the Sandhills Game Land and the area

known as the Outer Banks in Currituck County.

(B) ~~Monday-Saturday~~ on or nearest September 10 to the second ~~Saturday~~ Friday before Thanksgiving in the counties and parts of counties having the open seasons for Deer with Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule and in Gaston and Lincoln Counties.

(C) Monday on or nearest September 10 to the fourth Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (b)(1) of this Rule and in Cleveland and Rutherford counties.

(D) ~~Monday-Saturday~~ on or nearest September 10 to the third ~~Saturday~~ Friday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

(A) Dogs may not be used for hunting deer during the bow and arrow season.

(B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season.

(C) Only bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.

(d) Open Seasons (Muzzle-Loading Rifles and Shotguns)

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with muzzle-loading firearms (except that bow and arrow may be used on designated and posted game land Archery Zones) during the following seasons:

(A) ~~Monday-The Saturday~~ on or nearest October 8 to the following ~~Saturday~~ Friday in Cleveland and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by ~~Parts Part (A) and (C)~~ of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land and the area known as the Outer Banks in Currituck County.

(B) ~~Monday to Saturday of the week~~ The second Saturday preceding Thanksgiving ~~week-until the~~

following Friday in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule and in Gaston and Lincoln counties.

~~(C)~~ Monday on or nearest October 8 to the following Friday in Cleveland and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part C of Subparagraph (b)(1) of this Rule.

~~(C)(D)~~ Monday to Saturday of the second week—before The third Saturday preceding Thanksgiving week—until the following Friday in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

- (A) Deer of either sex may be taken during muzzle-loading firearms season in and east of the following counties: Rutherford, McDowell, Burke, Caldwell, Wilkes, and Ashe. Deer of either sex may be taken on the last day of muzzle-loading firearms season in all other counties.
- (B) Dogs shall not be used for hunting deer during the muzzle-loading firearms seasons.
- (C) Pistols shall not be carried while hunting deer during the muzzle-loading firearms seasons.

(e) In those counties or parts of counties listed in Part (b)(1)(A) of Subparagraph (b)(1) of this Rule and those counties or parts of counties listed in Part (b)(1)(D) of this Rule in which hunting deer with dogs is allowed, the daily bag limit shall be two and the possession limit six, two of which shall be antlerless. The season limit shall be six, two of which shall be antlerless. In all other counties or parts of counties, the daily bag limit shall be two and the possession limit six, four of which shall be antlerless. The season limit shall be six, four of which shall be antlerless. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The antlerless bag limits described above do not apply to antlerless deer harvested in areas covered in the Deer Management Assistance Program as described in G.S. 113-291.2(e). Individual daily antlerless bag limits on these areas shall be determined by the number of special tags, issued by the Division of Wildlife Management as authorized by the Executive Director, that shall be in the possession of the hunter. Season antlerless bag limits shall be set by the number of tags available. All antlerless deer harvested on these areas, regardless of the date of harvest, shall be tagged with these special tags but the hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license.

(f) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001.*

**15A NCAC 10B .0208 QUAIL**

- (a) The open season for quail shall be the Saturday next preceding Thanksgiving to the last day of February.
- (b) The daily bag limit shall be ~~8~~six per day and the possession limit shall be ~~16~~12 per day. There shall be no season limit.

*History Note: Authority G.S. 113-134; 113-291.2; Eff. February 1, 1976; Amended Eff. July 1, 1996; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984; Temporary Amendment Eff. July 1, 2001.*

**15A NCAC 10B .0209 WILD TURKEY (BEARDED TURKEYS ONLY)**

(a) Open Season for wild turkey shall be from the: Second Saturday in April to Saturday of the fourth week thereafter on bearded turkeys in the following counties: Alamance, Alexander, Alleghany, Anson, Ashe, Avery, ~~\*\*Bladen,~~ Brunswick, Buncombe, Burke, Caldwell, Caswell, Catawba, ~~\*\*Chatham,~~ Cherokee, Chowan, Clay, Cleveland, Craven, Davie, Duplin, ~~\*\*Durham,~~ Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, ~~\*\*Granville,~~ Halifax, Harnett, Haywood, Henderson, Hertford, Iredell, Jackson, Jones, Lee, Lenoir, Lincoln, Macon, Madison, ~~\*\*Martin,~~ McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Northampton, Onslow, ~~\*\*Orange,~~ Person, Polk, ~~\*\*Richmond,~~ Rockingham, Rowan, Rutherford, Sampson, ~~\*\*Scotland,~~ Stokes, Surry, Swain, Transylvania, Vance, Wake, Washington, Warren, Watauga, Wilkes, Yadkin, Yancey and in the following portions of counties:

- Beaufort: That part south of the Pamlico River/Tar/Pamlico River, and east of US 17.
- ~~\*\*Bertie: All of the county except that part bounded on the west by NC 11, on the south by NC 308, on the east by NC 45, and on the north by NC 42 and the Hertford County line.~~
- ~~Brunswick: That part west of NC 211 and that part east of NC 87.~~
- Cabarrus: That part south of I85, east of US 601 Business, and north of NC 49.
- Camden: That part west of US 17.
- Carteret: That part west of US 70 and north of NC 24.
- Columbus: That part north of NC 87 and that part east of NC 905 and south of NC 130. All of the county except that part east of NC 701 and west of SR 1005.
- Cumberland: That part west of NC 53 or I-95.
- Currituck: That part north of US 158 and west of the Intracoastal Waterway.
- Davidson: That part south of I-85.
- Guilford: That part north of I-40.
- Hoke: That part south and west of NC 211 and that part known as Fort Bragg.

Hyde: Starting at the Tyrrell County line, that part west of a line formed by NC 94, US 264 West, SR1124 to Judges Quarter then Quarter Canal to Juniper Bay.

~~Iredell: That part north of US 70.~~

Johnston: That part east of I-95.

~~\*\*Martin: All of the county except that part west of US 17 and south of US 64.~~

Nash: All of the county except that part east of NC 581 and south of US 64.

New Hanover: Starting at the Brunswick County line, that part north and west of a line formed by NC-133 and SR 1002.

Pamlico: That part west of NC 306.

\*\*Pender: All of the county except that part west of I-40, north of NC 53, and east of US 421.

Perquimans: All of the county except that part south of US 17 and east of the Perquimans River.

Randolph: That part west of US 220.

Robeson: That part east of I-95 and north of US 74.

~~Rowan: That part southeast of I-85.~~

~~Sampson: All of the county except that part east of NC 242, south of NC 411, and west of US 701.~~

Stanly: That part east of a line formed by US 52 from the Cabarrus County line to NC 138 in Albemarle, NC 138 from Albemarle to NC 742 in Oakboro, and NC 742 from Oakboro to the Union County line.

Union: That part south of US 74.

Wayne: That part south of US 70.

\*\*The Sandhills Game Land in Richmond, Scotland, and Moore counties, the Bladen Lakes State Forest Game Lands in Bladen County, the Northeast Cape Fear Wetlands Game Lands in Pender County, the Jordan Game Land in Chatham, Durham, Orange, and Wake counties, the Butner-Falls of the Neuse Game Land in Durham, Granville, and Wake counties, the Roanoke River Wetlands in Bertie, Halifax, and Martin counties, and the Shearon-Harris Game Land in Chatham and Wake counties are closed to turkey hunting except by holders of special permits authorizing turkey hunting as provided in G.S. 113-264(d).

(b) Bag Limits shall be:

- (1) daily, one;
- (2) possession, two; and
- (3) season, two.

(c) Dogs Prohibited. It is unlawful to use dogs for hunting turkeys.

(d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

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

*113-276.1; 113-291.2;*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992;*

*Temporary Amendment Eff. July 1, 1999;*

*Amended Eff. July 1, 2000;*

*Temporary Amendment Eff. July 1, 2001.*

**SUBCHAPTER 10C – INLAND FISHING REGULATIONS**

**SECTION .0200 – GENERAL REGULATIONS**

**15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

(a) Designation of Public Mountain Trout Waters. The waters listed herein or in 15A NCAC 10D 0104 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery Supported Waters. For specific classifications, see Subparagraphs (1) through (6) of this Paragraph. These waters are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

- (1) Hatchery Supported Trout Waters. The listed waters in the counties in Subparagraphs (1)(A)-(Y) are classified as Hatchery Supported Public Mountain Trout Waters. Where specific watercourses or impoundments are listed, indentation indicates that the watercourse or impoundment listed is tributary to the next preceding watercourse or impoundment listed and not so indented. This classification applies to the entire watercourse or impoundment listed except as otherwise indicated in parentheses following the listing. Other clarifying information may also be included parenthetically. The tributaries of listed watercourses or impoundments are not included in the classification unless specifically set out therein. Otherwise, Wild Trout regulations apply to the tributaries.

(A) Alleghany County:

- New River (not trout water)
- Little River (Whitehead to McCann Dam)
- Crab Creek
- Brush Creek (except where posted against trespass)
- Big Pine Creek
- Laurel Branch
- Big Glade Creek
- Bledsoe Creek
- Pine Swamp Creek
- South Fork New River (not trout water)
- Prather Creek
- Cranberry Creek
- Piney Fork
- Meadow Fork

- Yadkin River (not trout water)
- Roaring River (not trout water)
- East Prong Roaring River (that portion on Stone Mountain State Park)
- Delayed Harvest Waters regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

(B) Ashe County:

- New River (not trout waters)

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North Fork New River  
(Watauga Co. line to Sharp  
Dam)

Helton Creek (Virginia  
State line to New River)  
[Delayed Harvest rules  
apply. See  
Subparagraph (5) of  
Paragraph (a) of this  
Rule.]

Big Horse Creek (~~SR  
1361 bridge~~ Mud Creek  
at SR1363 to  
Tuckerdale)

Buffalo Creek  
(headwaters to junction  
of NC 194-88 and SR  
1131)

Big Laurel Creek  
Three Top Creek  
(portion not on game  
lands)

Hoskins Fork (Watauga  
County line to North  
Fork New River)

South Fork New River (not  
trout waters)

Cranberry Creek  
(Alleghany County line  
to South Fork New  
River)

Nathans Creek  
Peak Creek (headwaters  
to Trout Lake, except  
Blue Ridge Parkway  
waters)

Trout Lake (Delayed  
harvest regulations  
apply. See  
Subparagraph (5) of  
Paragraph (a) of this  
Rule.)

Roan Creek  
North Beaver Creek  
Pine Swamp Creek (all  
forks)  
Old Fields Creek  
Mill Creek (except  
where posted against  
trespass)

(C) Avery County:

Nolichucky River (not trout  
waters)

North Toe River (headwaters  
to Mitchell County line,  
except where posted against  
trespass)

Squirrel Creek

Elk River (SR 1306 crossing  
to Tennessee State line,  
including portions of  
tributaries on game lands)

Catawba River (not trout  
water)

Johns River (not trout  
water)

Wilson Creek [not  
Hatchery Supported  
trout water, see  
Subparagraph (2) of  
Paragraph (a) of this  
Rule]

Lost Cove Creek  
[not Hatchery  
Supported trout  
water, see  
Subparagraph (4) of  
Paragraph (a) of  
this Rule]

Buck Timber Creek [not  
Hatchery Supported trout  
water, see Subparagraph (2)  
of Paragraph (a) of this  
Rule]

Cary Flat Branch [not  
Hatchery Supported trout  
water, see Subparagraph (2)  
of Paragraph (a) of this  
Rule]

Boyde Coffey Lake  
Archie Coffey Lake

Linville River [Land Harbor line  
(below dam) to Blue Ridge  
Parkway boundary line,  
except where posted against  
trespass]

Milltimber Creek

(D) Buncombe County:

French Broad River (not trout  
water)

Big Ivy Creek (Ivy River)  
(Dillingham Creek to US  
19-23 bridge)

Dillingham Creek  
(Corner Rock Creek to  
Big Ivy Creek)

Stony Creek  
Mineral Creek  
(including portions of  
tributaries on game  
lands)

Corner Rock Creek  
(including tributaries,  
except Walker Branch)

Reems Creek (Sugar Camp Fork  
to US 19-23 bridge, except  
where posted against  
trespass)

Swannanoa River (SR 2702  
bridge near Ridgecrest to  
Sayles Bleachery in  
Asheville, except where  
posted against trespass)

TEMPORARY RULES

- (E) Bent Creek (headwaters to N.C. Arboretum boundary line, including portions of tributaries on game lands)
  - Lake Powhatan
  - Cane Creek (headwaters to SR 3138 bridge)
- (E) Burke County:
  - Catawba River (not trout water)
  - South Fork Catawba River (not trout water)
    - Henry Fork (lower South Mountains State Park line downstream to SR 1919 at Ivy Creek)
      - Jacob Fork (Shinny Creek to lower South Mountain State Park boundary) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
  - Johns River (not trout water)
    - Parks Creek (portion not on game lands not trout water)
    - Carroll Creek (game lands portion above SR 1405 including tributaries)
    - Linville River (game lands portion below the Blue Ridge Parkway including portions of tributaries on game lands and from first bridge on SR 1223 below Lake James powerhouse to Muddy Creek)
- (F) Caldwell County:
  - Catawba River (not trout water)
  - Johns River (not trout water)
    - Wilson Creek (Phillips Branch to Browns Mountain Beach dam, except where posted against trespass)
    - Estes Mill Creek (not trout water)
    - Thorps Creek (falls to NC 90 bridge)
    - Mulberry Creek (portion not on game lands not trout water)
      - Boone Fork (not Hatchery Supported trout water. See Subparagraph (2) of Paragraph (a) of this Rule)
      - Boone Fork Pond

- (G) Cherokee County:
  - Hiwassee River (not trout water)
    - Shuler Creek (headwaters to Tennessee line, except where posted against trespass including portions of tributaries on game lands)
    - North Shoal Creek (Crane Creek) (headwaters to SR 1325, including portions of tributaries on game lands)
    - Persimmon Creek
    - Davis Creek ~~(including portions of tributaries on game lands)~~ (confluence of Bald and Dockery creeks to Hanging Dog Creek)
    - ~~Bald Creek (including portions of tributaries on game lands)~~
    - Beaver Dam Creek (headwaters to SR 1326 bridge, including portions of tributaries on game lands)
    - Valley River
      - Hyatt Creek (including portions of tributaries on game lands)
      - Webb Creek (including portions of tributaries on game lands)
      - Junaluska Creek (Ashturn Creek to Valley River, including portions of tributaries on game lands)
- (H) Clay County:
  - Hiwassee River (not trout water)
    - Fires Creek (first bridge above the lower game land line on US Forest Service road 442 to SR 1300)
    - Tusquitee Creek (headwaters to lower SR 1300 bridge, including portions of Bluff Branch on game lands)
    - Tuni Creek (including portions of tributaries on game lands)
    - Chatuge Lake (not trout water)
    - Shooting Creek (SR 1349 bridge to US 64 bridge at SR 1338)
      - Hothouse Branch (including portions of tributaries on gamelands)
      - Vineyard Creek (including portions of tributaries on game lands)
- (I) Graham County:

TEMPORARY RULES

Little Tennessee River (not trout water)

Calderwood Reservoir (Cheoah Dam to Tennessee State line)

Cheoah River (not trout water)

Yellow Creek

Santeelah Reservoir (not trout water)

West

Buffalo Creek

Huffman

Creek (Little Buffalo Creek)

Santeelah Creek (Johns Branch to mouth including portions of tributaries within this section located on game lands, excluding Johns Branch)

(Big) Snowbird Creek (old railroad junction to mouth, including portions of tributaries on game lands

Mountain Creek (game lands boundary to SR 1138 bridge)

Long

Creek (portion not on game lands)

Tulula

Creek (headwaters to lower bridge on SR 1275)

Franks

Creek

Cheoah Reservoir

Fontana Reservoir (not trout water)

Stecoah Creek

Sawyer Creek

Panther Creek

(including portions of tributaries on game lands)

(J) Haywood County:

Pigeon River (not trout water)

Hurricane Creek (including portions of tributaries on game lands)

Cold Springs Creek (including portions of tributaries on game lands)

Jonathans Creek - lower (concrete bridge in Dellwood to Pigeon River)

Jonathans Creek - upper [SR 1302 bridge (west) to SR 1307 bridge]

Hemphill Creek

West Fork Pigeon River (triple arch bridge on highway NC 215 to

~~Champion International property line, Queens Creek~~

including portions of tributaries within this section located on game lands, except Middle Prong)

Richland Creek (Russ Avenue bridge to US 19A-23 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

(K) Henderson County:

(Rocky) Broad River (one-half mile north of Bat Cave to Rutherford County line)

Green River - upper (mouth of Bobs Creek to mouth of Rock Creek)

Green River - lower (Lake Summit Dam to I-26 bridge)

Camp Creek (SR 1919 to Polk County line)

(Big) Hungry River

Little Hungry River

French Broad River (not trout water)

Mills River (not trout water)

North Fork Mills River (game lands portion below the Hendersonville watershed dam). Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

(L) Jackson County:

Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1392 bridge at Wilmot) Delayed Harvest Regulations apply to that portion between NC 107 bridge at Love Field and the Dillsboro dam. See Subparagraph (a)(5) of this Rule. Scott Creek (entire stream, except where posted against trespass)

Dark Ridge Creek (Jones Creek to Scotts Creek)

Buff Creek (SR 1457 bridge below Bill Johnson's place to Scott Creek)

Savannah Creek (Headwaters to Bradley's Packing House on NC 116)

Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)

TEMPORARY RULES

- Cullowhee Creek (Tilley Creek to Tuckasegee River)
- Bear Creek Lake
- Wolf Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
  - Wolf Creek Lake
  - Balsam Lake
- Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
  - Tanasee Creek Lake
- West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville Lake)
  - Shoal Creek (Glenville Reservoir pipeline to mouth)
- (M) Macon County:
  - Little Tennessee River (not trout water)
    - Nantahala River (Nantahala Dam to Swain County line) Delayed Harvest Regulations apply to the portion from Whiteoak Creek to the Nantahala Power and Light powerhouse discharge canal. See Subparagraph (a)(5) of this Rule.
    - Queens Creek Lake
    - Burningtown Creek (including portions of tributaries on game lands)
    - Cullasaja River (Sequoah Dam to US 64 bridge near junction of SR 1672, including portions of tributaries on game lands, excluding those portions of Big Buck Creek and Turtle Pond Creek on game lands. Wild trout regulations apply. See Subparagraphs (2) and (6) of Paragraph (a) of this Rule.)
      - Ellijay Creek (except where posted against trespass, including portions of tributaries on game lands)
      - Skitty Creek
        - Cliffside Lake
      - Cartoogechaye Creek (US 64 bridge to Little Tennessee River)
        - Tessentee Creek (Nichols Branch to Little Tennessee River,
- except where posted against trespassing)
- Savannah River (not trout water)
  - Big Creek (base of falls to Georgia State line, including portions of tributaries within this Section located on game lands)
- (N) Madison County:
  - French Broad River (not trout water)
  - Shut-In Creek (including portions of tributaries on game lands)
  - Spring Creek (junction of NC 209 and NC 63 to lower US Forest Service boundary line, including portions of tributaries on game lands)
    - Meadow Fork Creek
      - Roaring Fork (including portions of tributaries on game lands)
      - Little Creek
        - Max Patch Pond
        - Mill Ridge Pond
    - Big Laurel Creek (Mars Hill Watershed boundary to Rice's Mill Dam)
    - Big Laurel Creek (NC 208 bridge to US 25-70 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
      - Shelton Laurel Creek (~~headwaters~~ confluence of Big Creek and Mill Creek to NC 208 bridge) bridge at Belva)
      - Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
        - Big Creek (headwaters to lower game land boundary, including tributaries)
          - Mill Creek (upper game lands boundary to confluence with Big Creek)
          - ~~Big Pine Creek~~
        - Puncheon Fork (Hampton Creek to Big Laurel Creek)

TEMPORARY RULES

Big Pine Creek (SR 1151 bridge to French Broad River)

- (O) McDowell County:
  - Catawba River (portion not on game lands, not trout water)
  - Buck Creek (portion not on game lands, not trout water)
  - Little Buck Creek (game land portion including portions of tributaries on game lands)
  - Curtis Creek game lands portion downstream of US Forest Service boundary at Deep Branch) Delayed Harvest regulations apply. See Subparagraph (a)(5) of this Rule.
  - North Fork Catawba River (headwaters to SR 1569 bridge)
  - Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
  - Mill Creek (upper railroad bridge to U.S. 70 Bridge, except where posted against trespass)

- (P) Mitchell County:
  - Nolichucky River (not trout water)
  - Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)
  - Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where posted against trespass)
  - Cane Creek (SR 1219 to NC 226 bridge)
  - Cane Creek (NC 226 bridge to NC 80 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
  - Grassy Creek (East Fork Grassy Creek to mouth)
  - East Fork Grassy Creek
  - North Toe River (Avery County line to SR 1121 bridge)

- (Q) Polk County:
  - Broad River (not trout water)
  - North Pacolet River (Pacolet Falls to NC 108 bridge)
  - Fork Creek (Fork Creek Church on SR 1100 to North Pacolet River)

- Big Fall Creek (portion above and below water supply reservoir)
- Green River (Fishtop Falls Access Area to mouth of Brights Creek) Delayed Harvest regulations apply to the portion from Fishtop Falls Access Area to Cove Creek. See Subparagraph(a)(5) of this Rule.
- Little Cove Creek (including portions of tributaries on game lands)
- Cove Creek (including portions of tributaries on game lands)
- Camp Creek [Henderson County line (top of falls) to Green River]

- (R) Rutherford County:
  - (Rocky) Broad River (Henderson County line to US 64/74 bridge, except where posted against trespass)

- (S) Stokes County:
  - Dan River (SR 1416 bridge downstream to a point 200 yards below the end of SR 1421)

- (T) Surry County:
  - Yadkin River (not trout water)
  - Ararat River (SR 1727 bridge downstream to the NC 103 bridge) ~~Business US 52 bridge) Delayed Harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.~~
  - Stewarts Creek (not trout water)

- Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge - lower Caudle property line)
- Fisher River (Cooper Creek) (Virginia State line to NC 89 bridge)
- Little Fisher River (Virginia State line to NC 89 bridge)
- Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam) Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

- (U) Swain County:

TEMPORARY RULES

Little Tennessee River (not trout water)
Calderwood Reservoir (Cheoah Dam to Tennessee State line)
Cheoah Reservoir
Fontana Reservoir (not trout water)
Alarka Creek (game lands boundary to Fontana Reservoir)
Nantahala River (Macon County line to existing Fontana Reservoir water level)
Tuckasegee River (not trout water)
Deep Creek (Great Smoky Mountains National Park boundary line to Tuckasegee River)
Connelly Creek (including portions of tributaries on game lands)

(V) Transylvania County:
French Broad River (junction of west and north forks to US 276 bridge)
Davidson River (Avery Creek to Ecusta intake)
East Fork French Broad River (Glady Fork to French Broad River)
Middle Fork French Broad River
West Fork French Broad River (SR 1312 and SR 1309 intersection to junction of west and north forks, including portions of tributaries within this section located on game lands)

(W) Watauga County:
New River (not trout waters)
North Fork New River (from confluence with Maine and Mine branches to Ashe County line)
Maine Branch (headwaters to North Fork New River)
South New Fork River (not trout water)
Meat Camp Creek
Norris Fork Creek
Howards Creek (downstream from lower falls)
Middle Fork New River (Lake Chetola Dam to South Fork New River)

Yadkin River (not trout water)
Stony Fork (headwaters to Wilkes County line)
Elk Creek (headwaters to gravel pit on SR 1508, except where posted against trespass)

Watauga River (Confluence of Boone Fork and Watauga River (SR 1557 bridge to NC 105 bridge). Delayed

Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

Beech Creek
Buckeye Creek Reservoir
Coffee Lake
Beaverdam Creek (SR 1209 bridge at Bethel to an unnamed tributary adjacent to the intersection of SR 1201 and SR 1203)

Laurel Creek
Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)

Dutch Creek (second bridge on SR 1134 to mouth)
Boone Fork (headwaters to SR 1562)

(X) Wilkes County:
Yadkin River (not trout water)

Roaring River (not trout water)
East Prong Roaring River (Bullhead Creek to Brewer's Mill on SR 1943) (Delayed harvest regulations apply to portion on Stone Mountain State Park)
See Subparagraph (5) of Paragraph (a) of this Rule.

Stone Mountain Creek (Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.)

Middle Prong Roaring River (headwaters to second bridge on SR 1736)

Bell Branch Pond
Boundary Line Pond
West Prong Roaring River (not trout waters)

Pike Creek
Pike Creek Pond
Reddies River (not trout water)

**TEMPORARY RULES**

- Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR 1580)
- South Fork Reddies River (headwaters to confluence with Middle Fork Reddies River)
- North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on SR 1559)
- Darnell CeeK (North Prong Reddies River) (downstream ford on SR 1569 to confluence with North Fork Reddies River)
- Lewis Fork Creek (not trout water)
- South Prong Lewis Fork (headwaters to Lewis Fork Baptist Church)
- Fall Creek (except portions posted against trespass)
- (Y) Yancey County:
- Nolichucky River (not trout water)
- Cane River [Bee Branch (SR 1110) to Bowlens Creek]
- Bald Mountain Creek (except portions posted against trespass)
- Indian Creek (not trout water)
- Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)
- North Toe River (not trout water)
- South Toe River (Clear Creek to lower boundary line of Yancey County recreation park except where posted against trespass)
- (2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands listed in Subparagraph (b)(2) of 15A NCAC 10D .0104, are classified as Wild Trout Waters unless specifically classified otherwise in (A)(1) of this Rule. The trout waters listed in this Subparagraph are also classified as Wild Trout Waters.
- (A) Alleghany County:
- Big Sandy Creek (portion on Stone Mountain State Park)
- Ramey Creek (entire stream)
- Stone Mountain Creek (that portion on Stone Mountain State Park)
- (B) Ashe County:
- Big Horse Creek (Virginia State Line to ~~SR 1361 bridge~~ bridge Mud Creek at SR 1363) Catch and Release/Artificial Lures
- Only Regulations apply. See Subparagraph (a)(3) of this Rule.
- Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Land) Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.
- (C) Avery County:
- Birchfield Creek (entire stream)
- Cow Camp Creek (entire stream)
- Cranberry Creek (entire stream)
- Gragg Prong (entire stream)
- Horse Creek (entire stream)
- Jones Creek (entire stream)
- Kentucky Creek (entire stream)
- North Harper Creek (entire stream)
- Plumtree Creek (entire stream)
- Roaring Creek (entire stream)
- Rockhouse Creek (entire stream)
- South Harper Creek (entire stream)
- Webb Prong (entire stream)
- Wilson Creek (Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.)
- (D) Buncombe County:
- Carter Creek (game land portion) (Catch and Release/Artificial Lures only regulations apply. See Subparagraph (3) of Paragraph (a) of this Rule.)
- (E) Burke County:
- All waters located on South Mountain State Park, except the main stream of Jacob Fork
- Between the mouth of Shinny Creek and the lower park boundary where delayed harvest regulations, and Henry Fork and tributaries where catch and release/artificial lures only regulations apply. See Subparagraphs (3) and (5) of Paragraph (a) of this Rule.
- Nettle Branch (game land portion)
- (F) Caldwell County:
- Buffalo Creek (Watauga County line to Long Ridge Branch)

**TEMPORARY RULES**

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|---|---|
| <p>Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)</p> <p>Rockhouse Creek (entire stream)</p> <p>(G) <u>Cherokee County:</u><br/> <u>Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]</u><br/> <u>Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]</u></p> <p>(G)(H) Cleveland County: Brier Creek and tributaries (game lands portions)</p> <p>(H)(I) Graham County:<br/>         South Fork Squally Creek (entire stream)<br/>         Squally Creek (entire stream)</p> <p>(H)(J) Henderson County:<br/>         Green River (I-26 bridge to Henderson/Polk County line)</p> <p>(H)(K) Jackson County:<br/>         Gage Creek (entire stream)<br/>         North Fork Scott Creek (entire stream)<br/>         Tanasee Creek (entire stream)<br/>         Whitewater River (downstream from Silver Run Creek to South Carolina State line)<br/>         Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)</p> <p>(K)(L) Madison County:<br/>         Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]</p> <p>(L)(M) Mitchell County:<br/>         Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)<br/>         Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except where posted against trespass)<br/>         Wiles Creek (game land boundary to mouth)</p> <p>(M)(N) Polk County:<br/>         Green River (Henderson County line to Fishtop Falls Access Area)<br/>         Pulliam (Fulloms) Creek and tributaries (game lands portions)</p> <p>(N)(O) Rutherford County:<br/>         North Fork (First Broad River) and tributaries (game lands portion)<br/>         Brier Creek and tributaries (game lands portion)</p> <p>(O)(P) Transylvania County:</p> | <p>Whitewater River (downstream from Silver Run Creek to South Carolina State line)</p> <p>(P)(Q) Watauga County:<br/>         Dutch Creek (headwaters to second bridge on SR 1134)<br/>         Howards Creek (headwaters to lower falls)<br/>         Watauga River (Avery County line to <u>SR—1580) steel bridge at Riverside Farm Road)</u></p> <p>(Q)(R) Wilkes County:<br/>         Big Sandy Creek (portion on Stone Mountain State Park)<br/>         Garden Creek (portion on Stone Mountain State Park)<br/>         Harris Creek and tributaries [portions on Stone Mountain State Park] [Catch and Release Artificial Lures Only regulations apply. See Subparagraph (4) of Paragraph (a) of this Rule.]<br/>         Widow Creek (portion on Stone Mountain State Park)</p> <p>(R)(S) Yancey County:<br/>         Licksillet Creek (entire stream)<br/>         Middle Creek (game land boundary to mouth)<br/>         Rock Creek (game land boundary to mouth)<br/>         South Toe River (game land boundary downstream to Clear Creek)</p> <p>(3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:</p> <p>(A) Ashe County:<br/>         Big Horse Creek (Virginia State line to <u>SR 1361 bridge Mud Creek at SR 1363</u> excluding tributaries)<br/>         Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Lands)</p> <p>(B) Avery County:<br/>         Wils on Creek (game land portion)</p> <p>(C) Buncombe County:<br/>         Carter Creek (game land portion)</p> <p>(D) Burke County:<br/>         Henry Fork (portion on South Mountains State Park)</p> <p>(E) Jackson County:<br/>         Flat Creek<br/>         Tuckasegee River (upstream of Clarke property)</p> <p>(F) McDowell County:</p> |
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**TEMPORARY RULES**

- (G) Newberry Creek (game land portion)  
 Wilkes County:  
 Harris Creek (portion on Stone Mountain State Park)
- (H) Yancey County:  
 Lower Creek  
 Upper Creek
- (4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Fly Fishing Only waters. Only artificial flies having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:
- (A) Avery County:  
 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- (B) Transylvania County:  
 Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- (C) Yancey County:  
 South Toe River (portion from the concrete bridge above Black Mountain Campgroup downstream to game land boundary, excluding Camp Creek and Big Lost Cove Creek)
- (5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first Saturday of the following June, inclusive, it is unlawful to possess natural bait and only artificial lures with one single hook may be used. No fish may be harvested or be in possession while fishing these streams during this time. These waters are closed to fishing between one-half hour after sunset on the Friday before the first Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in June these streams open for fishing under Hatchery Supported Waters rules:
- (A) Ashe County:  
 Trout Lake  
 Helton Creek (Virginia state line to New River)
- (B) Burke County:  
 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- (C) Haywood County:  
 Richland Creek (Russ Avenue bridge to US 19A -23 bridge)
- (D) Henderson County:  
 North Fork Mills River (game land portion below the Hendersonville watershed dam)
- (E) Jackson County:  
 Tuckasegee River (NC 107 bridge at Love Field Downstream to the Dillsboro dam)
- (F) Macon County:  
 Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)
- (G) Madison County:  
 Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)  
 Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)
- (H) McDowell County:  
 Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep Branch)
- (I) Mitchell County:  
 Cane Creek (NC 226 bridge to NC 80 bridge)
- (J) Polk County:  
 Green River (Fishtop Falls Access Area to confluence with Cove Creek)
- (K) Surry County:  
~~Aarat River (SR 1727 downstream to Business US 52 bridge)~~  
 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam)
- (L) Watauga County:  
~~Watauga River (Confluence of Boone Fork and Watauga River (SR 1557 bridge~~ to NC 05 bridge)
- (M) Wilkes County:  
 East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State Park lower boundary)  
 Stone Mountain Creek (from falls at Allegheny County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park)
- (6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are fished using only one single hook. The creel limit, size limit, and open season are the same as other Wild Trout Waters [see 15A NCAC 10C .0305(a)].
- (A) Cherokee County:  
~~Bald Creek (game land portions)~~

**TEMPORARY RULES**

Dockery Creek (game land portions)

Tellico River (Fain Ford to Tennessee state line excluding tributaries)

- (B) Clay County:  
Buck Creek (game land portion downstream of US 64 bridge)
- (C) Graham County:  
Deep Creek  
Long Creek (game land portion)
- (D) Jackson County:  
Chattooga River (SR 1100 bridge to South Carolina state line)  
(lower) Fowler Creek (game land portion)  
Scotsman Creek (game land portion)
- (E) Macon County:  
Chattooga River (SR 1100 bridge to South Carolina state line)  
Jarrett Creek (game land portion)  
Kimsey Creek  
Overflow Creek (game land portion)  
Park Creek  
Tellico Creek (game land portion)  
Turtle Pond Creek (game land portion)
- (F) Madison County:  
Spillcorn Creek (entire stream, excluding tributaries)
- (G) Transylvania County:  
North Fork French Broad River (game land portions downstream of SR 1326)  
Thompson River (SR 1152 to South Carolina state line, except where posted against trespass, including portions of tributaries within this section located on game lands)

Paragraph (a) of this Rule, the following rules apply to fishing in wild trout waters.

- (A) Open Season. There is a year round open season for the licensed taking of trout.
- (B) Creel Limit. The daily creel limit is four trout.
- (C) Size Limit. The minimum size limit is seven inches.
- (D) Manner of Taking. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing wild trout waters except those waters listed in 15A NCAC 10C .0205(a)(6).
- (E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after sunset and one-half hour before sunrise.

*History Note: Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001.*

**15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES**

It is unlawful to transport, purchase, possess, or sell any species of piranha, ~~the~~ "walking catfish" (*Clarias batrachus*), ~~or black carp (*Mylopharyngodon piceus*) or the~~ white amur or "grass carp" (*Ctenopharyngodon idellus*), or to stock any of them in the public or private waters of North Carolina, except that the triploid grass carp certified to be sterile as such by competent authority may be bought, possessed and stocked locally for control of aquatic vegetation under a permit issued by the Executive Director and containing such conditions and limitations as he may deem necessary or advisable under the circumstances.

*History Note: Authority G.S. 113-134; 113-292; Eff. February 1, 1976; Amended Eff. September 1, 1984; Temporary Amendment Eff. July 1, 2001.*

**SECTION .0300 – GAME FISH**

**15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

(b) Fishing in Trout Waters

- (1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner whatsoever from designated public mountain trout waters during the closed seasons for trout fishing. The seasons, size limits, creel limits and possession limits apply in all waters, whether designated or not, as public mountain trout waters. Except in power reservoirs and city water supply reservoirs so designated, it is unlawful to fish in designated public mountain trout waters with more than one line. Night fishing is not allowed in most hatchery supported trout waters on game lands [see 15A NCAC 10D .0104(b)(1)].
- (2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (3), (4), and (6) of

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)

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Hatchery Supported Trout Waters and undesignated waters	7 <u>(exec. 2)</u>	None <u>(exec. 2)</u>	All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (exc. 8)	None	ALL YEAR
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5	14 in. (excs. 3, 7 & 9)	ALL YEAR (exc. 16)
Smallmouth and Spotted	5	12 in. (excs. 3, 7 & 9)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	2	18 in. (exc. 19)	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1, 5 & 12)	16 in. (excs. 1, <u>6</u> , 5 & 10)	ALL YEAR (excs. 5, 12, & 14)
Shad: (American and hickory)	10 aggregate (exc. 17)	None	ALL YEAR (excs. 17 & 18)
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 11 & 15)	None (exc. 11)	ALL YEAR (exc. 4)
NONGAME FISHES	None (exc. 13)	None (exc. 13)	ALL YEAR (excs. 6)

(b) Exceptions

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.
- (2) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed

- (3) season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing. In Lake Lure the daily creel limit for trout is five fish and minimum size limit for trout is 15 inches. Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.

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- (4) On Mattamuskeet Lake, special federal regulations apply.
- (5) In the inland fishing waters of Cape Fear, Neuse, Pee Dee, Pungo and Tar Pamlico rivers and their tributaries ~~and the Roanoke River and its tributaries, including the Cashie Middle and Eastmost rivers,~~ extending upstream to the first impoundment, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish in aggregate and the minimum length limit is 18 inches. In ~~the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers,~~ in the Tar Pamlico River and its tributaries upstream of the Grimesland bridge and in the Neuse River and its tributaries upstream of the NC 55 bridge in Lenoir County, no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches shall be retained during the period April 1 through May 31.
- (6) The open season for taking and possessing striped bass and their hybrids in the Roanoke River Striped Bass Management Area is March 1 through April 15 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to the US 258 bridge and is March 15 through April 30 from the US 258 bridge upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for striped bass and their hybrids is two fish and no fish between 22 inches and 27 inches in length shall be retained.
- ~~(6)(7)~~ See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- ~~(7)(8)~~ The maximum combined number of black bass of all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currituck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, in Tuckertown Lake and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan ~~Reservoir and Reservoir,~~ in Falls of the Neuse Reservoir, east of SR 1004, and in Lake Lure a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass. In Lake Lure a minimum size limit of 14 inches, with no exception, applies to smallmouth bass.
- ~~(8)(9)~~ A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- ~~(9)(10)~~ The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:
- (A) Cane Creek Lake in Union County;
  - (B) Lake Thom-A-Lex in Davidson County; and
  - (C) Sutton Lake in New Hanover County.
- ~~(10)(11)~~ In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.
- ~~(11)(12)~~ In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hycro, Lake Ramseur, Cane Creek Lake and the Roanoke River downstream of the US 17 bridge in Williamston and its tributaries (including the Cashie, Middle and Eastmost rivers and their tributaries) a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In Lake ~~James~~ James, Lake Lure and Hiwassee Reservoir, a daily creel limit of 20 fish applies to crappie.
- ~~(12)(13)~~ In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- ~~(13)(14)~~ The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).
- ~~(14)(15)~~ The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- ~~(15)(16)~~ In the entire Lumber River from the Camp MacKall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.

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- ~~(16)~~(17) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.
- ~~(17)~~(18) In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404(b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be sold as authorized under subsection 10C .0401 of this Rule.
- ~~(18)~~(19) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407(4) and 15A NCAC 20C .0407(75) is in effect.
- ~~(19)~~(20) No red drum greater than 27 inches in length may be retained.

*History Note:* Filed as a Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Filed as a Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991; Filed as a Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990; Filed as a Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990; Authority G.S. 113-134; 113-292; 113-304; 113-305; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. November 1, 1998; Amended Eff. April 1, 1999; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001.

### SECTION .0400 – NONGAME FISH

#### 15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

- (a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, except that no trotlines or set-hooks may be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters. In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30. The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters shall be the same as the trout fishing season.
- (b) Nongame fishes, except alewife and blueback herring (greater than six inches in length) and bowfin, alewife and blueback herring—taken by hook and line, grabbling or by licensed special devices may be sold. Alewife and blueback herring less than six inches in length may be sold except in those waters specified in 15A NCAC 10C .0402(d), where their

possession is prohibited. Eels less than six inches in length may not be taken from inland waters for any purpose, may not be possessed and possession of eels 6 inches or larger in length is limited to 200 per day for bait.

(c) Freshwater mussels may only be taken from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. ~~It is unlawful to use boats powered by gasoline engines on impoundments located on the Barnhill Public Fishing Area.~~

(d) It is unlawful to use boats powered by gasoline engines on impoundments located on the Barnhill Public Fishing Area.

~~(d)~~(e) In the posted Community Fishing Program waters listed below it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line; the daily creel limit for forked tail catfish is six fish in aggregate:

Cedarrock Pond, Alamance County  
Lake Tomahawk, Buncombe County  
Frank Liske Park Pond, Cabarrus County  
Lake Rim, Cumberland County  
C.G. Hill Memorial Park Pond, Forsyth County  
Kernersville Lake, Forsyth County  
Winston Pond, Forsyth County  
Bur-Mil Park Ponds, Guilford County  
Oka T. Hester Pond, Guilford County  
San-Lee Park Ponds, Lee County  
Kinston Neuseway Park Pond, Lenoir County  
Freedom Park Pond, Mecklenburg County  
Hornet's Nest Pond, Mecklenburg County  
McAlpine Lake, Mecklenburg County  
Lake Luke Marion, Moore County  
Lake Michael, Orange County  
River Park North Pond, Pitt County  
Big Elkin Creek, Surry County  
Apex Community Lake, Wake County  
Lake Crabtree, Wake County  
Shelley Lake, Wake County  
Simpkins Pond, Wake County  
Lake Toisnot, Wilson County  
Ellerbe Community Lake, Richmond County  
Indian Lake, Edgecombe County  
Harris Lake County Park Ponds, Wake County  
Park Road Pond, Mecklenburg County  
Etheridge Pond on the Barnhill Public Fishing Area, Edgecombe County  
Newbold Pond on the Barnhill Public Fishing Area, Edgecombe County

*History Note:* Temporary Amendment Eff. December 1, 1994; Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; May 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001.

#### 15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT

- (a) It is unlawful to take nongame fish for bait in the inland waters of North Carolina using equipment other than:

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- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, and which are under the immediate control and attendance of the individual operating them.

(b) It is unlawful to sell nongame fishes or aquatic animals taken under this Subchapter.

(c) Game fishes and their young taken while netting for bait shall be immediately returned unharmed to the water. No person shall take or possess more than 50 eels or 200 nongame fish of other species for bait pursuant to this Subchapter from inland fishing waters during one day. It is unlawful to take nongame fish for bait or any other fish bait from designated public mountain trout waters and:

- (1) Chatham County  
Deep River  
Rocky River  
Bear Creek
- (2) Lee County  
Deep River
- (3) Moore County  
Deep River
- (4) Randolph County  
Deep River below the Coleridge Dam  
Fork Creek

(d) In the waters of the Little Tennessee River, the Catawba River upstream of Lookout Shoals Dam, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps and bridge crossings, it is unlawful to transport, possess or release live alewife or live blueback herring.

*History Note: Authority G.S. 113-134; 113-35; 113-272; 113-272.3; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989; Temporary Amendment Eff. July 1, 2001.*

**15A NCAC 10C .0404 SPECIAL DEVICE FISHING**

(a) Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow as a licensed special device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless specifically prohibited, bow and arrow may be used in joint fishing waters. It is unlawful to take fish with crossbow and arrow in any inland fishing waters.

(b) Nets. Where authorized, Manually manually operated nets, including seines and bow, cast, dip, gill, drift and fyke nets may be used under the special device fishing license.

- (1) No fixed gill net or other stationary net which may be authorized as a special fishing device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of

any other fixed net. Fixed nets must be set so that they run parallel to the nearest ~~shoreline, shoreline. except in the Neuse, Trent, Northeast Cape Fear, Cape Fear, and Black Rivers and their tributaries.~~ No anchored or fixed gill net or drift net shall be used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is attached to it at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following: owner's N.C. motor boat registration number, or owner's U.S. vessel documentation name, or owner's last name and initials.

(2) It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

~~(3) All fixed or drift gill nets must be attended when fished in the designated inland waters of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Gates, Greene, Harnett, Hertford, Hoke, Hyde, Jones, Lenoir, Martin, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell and Washington counties. Attended as used in this Rule, requires that fishermen be within 100 yards of all sets of nets at all times~~

(c) Traps. Baskets and traps, including automobile tires, may be used under the special device fishing license. Such devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and upon which his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in length or 30 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be attached to the trap or used or set within 25 feet of the trap.

(d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special fishing device license in the inland waters having a season for their use specified in Rule .0407 of this Section.

(e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons owning property adjacent to the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be attached to their property and not subject to special device license requirements.

(f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing license with a mesh of any size may be used to take eels for bait. Each pot must be marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and

no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall always be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

- (1) owner's N.C. motorboat registration number; or
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name and initials.

*History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1, 1993;*

*Temporary Amendment Effective July 1, 2001.*

**15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS**

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. ~~The use of special fishing devices in impoundments located entirely on game lands is prohibited. All fixed and drift gill nets must be attended when fished in the designated inland waters of the counties listed in 15A NCAC 10C .0404(b)(3). Attended as used in this Rule and in 15A NCAC 10C .0404(b)(3) requires that fisherman be within 100 yards of all sets of nets at all times.~~ Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (1) Alamance:
  - (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
  - (b) July 1 to June 30 with gigs in all public waters;
- (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
- (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;
- (4) Anson:
  - (a) July 1 to June 30 with traps and gigs in all public waters;
  - (b) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the lower end of Goat Island;
  - (c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;
- (6) Beaufort:

- (a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters;
- (7) Bertie:
  - (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (8) Bladen: December 1 to June 5 with dip and bow nets in Black River;
  - ~~(a) December 1 to March 1 with attended gill nets in all inland public waters, except Jones, Salters, White, Singletary and Baytree (Black) Lakes;~~
  - ~~(b) December 1 to May 1 with attended gill nets in Black River;~~
  - ~~(c) December 1 to June 5 with dip and bow nets in Black River;~~
- (9) Brunswick: December 1 to May 1 with dip and bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;
  - ~~(a) December 1 to March 1 with attended gill nets in all inland public waters, except Waccamaw River and its tributaries;~~
  - ~~(b) December 1 to May 1 with dip, bow, and attended gill nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;~~
- (10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (11) Burke:
  - (a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (12) Cabarrus:
  - (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (14) Camden:
  - (a) July 1 to June 30 with traps in all inland public waters;

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| <p>(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(15) Carteret: December 1 to June 5 with dip and bow nets in all inland public waters except South River and the tributaries of the White Oak River;</p> <p>(16) Caswell:</p> <p>(a) July 1 to June 30 with gigs in all public waters;</p> <p>(b) July 1 to August 31 with seines in all running public waters, except Moons Creek;</p> <p>(c) July 1 to June 30 with traps in Hycow Reservoir;</p> <p>(17) Catawba:</p> <p>(a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;</p> <p>(b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;</p> <p>(18) Chatham:</p> <p>(a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);</p> <p>(b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;</p> <p>(c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;</p> <p>(19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(20) Chowan:</p> <p>(a) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(b) July 1 to June 30 with traps in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(22) Cleveland:</p> <p>(a) July 1 to August 31 with seines in all running public waters;</p> <p>(b) July 1 to June 30 with gigs, traps and spear guns in all public waters;</p> <p>(23) Columbus:</p> <p><del>(a) December 1 to March 1 with attended gill nets in all inland public waters, except Lake Waccamaw and its tributaries and Waccamaw River and its tributaries;</del></p> <p><del>(b)</del>(a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;</p> | <p><del>(e)</del>(b) December 1 to June 5 with <del>dip, bow, and attended gill dip and bow</del> nets in Livingston Creek;</p> <p>(24) Craven:</p> <p>(a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;</p> <p>(b) December 1 to June 5 with dip and bow nets in all inland public waters, except Pitch Kettle, Grindle, Slocum (downstream of the US 70 bridge), Spring and Hancock Creeks and their tributaries; and with seines in the Neuse River;</p> <p><del>(25) Cumberland: December 1 to March 1 with attended gill nets in all inland public waters;</del></p> <p><del>(26)</del>(25) Currituck:</p> <p>(a) July 1 to June 30 with traps in Tulls Creek and Northwest River;</p> <p>(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p><del>(27)</del>(26) Dare:</p> <p>(a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake;</p> <p>(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p><del>(28)</del>(27) Davidson:</p> <p>(a) July 1 to August 31 with seines in all running public waters,</p> <p>(b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;</p> <p><del>(29)</del>(28) Davie:</p> <p>(a) July 1 to June 30 with traps and gigs in all public waters;</p> <p>(b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;</p> <p><del>(30)</del>(29) Duplin: December 1 to June 5 with dip and bow nets and seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;</p> <p><del>(31)</del>(30) Durham:</p> <p>(a) July 1 to August 31 with seines in Neuse River,</p> <p>(b) July 1 to June 30 with gigs in all public waters;</p> <p><del>(32)</del>(31) Edgecombe: <u>December 1 to June 5 with dip and bow nets in all public waters;</u></p> |
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- ~~(a)~~ ~~December 1 to March 15 with gill nets in Noble Mill Pond and Wiggins Lake;~~
- ~~(b)~~ ~~December 1 to June 5 with dip and bow nets in all public waters; and with drift gill nets in Tar River below the bridge at Old Sparta to the Pitt County line;~~
- ~~(33)~~(32) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- ~~(34)~~(33) Franklin:
- ~~(a)~~ ~~December 1 to March 1 with gill nets in Clifton Pond, Parrish Pond, Jackson Pond and Lake Royale;~~
- ~~(b)~~(a) July 1 to August 31 with seines in Tar River;
- ~~(c)~~(b) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, Moore's and Perry's Ponds, and in the Franklinton City ponds;
- ~~(35)~~(34) Gaston:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- ~~(36)~~(35) Gates: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(37)~~(36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(38)~~(37) Granville:
- (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
- (b) July 1 to August 31 with seines in the Neuse River and the Tar River below US 158 bridge;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (d) July 1 to June 30 with cast nets in all public waters;
- ~~(39)~~(38) Greene: December 1 to June 5 with dip and bow nets and reels in Contentnea Creek;
- ~~(40)~~(39) Guilford:
- (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
- (b) July 1 to June 30 with gigs in all public waters;
- ~~(41)~~(40) Halifax:
- ~~(a)~~ ~~December 1 to March 1 with gill nets in White's Mill Pond;~~
- ~~(b)~~(a) December 1 to June 5 with dip and bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- ~~(c)~~(b) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;
- ~~(42)~~(41) Harnett:
- ~~(a)~~ ~~December 1 to March 1 with attended gill nets in all inland public waters;~~
- ~~(b)~~(a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
- ~~(c)~~(b) December 1 to June 5 with dip and bow nets in Cape Fear River;
- ~~(43)~~(42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- ~~(44)~~(43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(45)~~(44) Hertford:
- (a) July 1 to June 30 with traps in Wiccacon Creek;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(46)~~ ~~Hoke: December 1 to March 1 with attended gill nets in all inland public waters;~~
- ~~(47)~~(45) Hyde:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(48)~~(46) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout Shoals Reservoir and Lake Norman;
- ~~(49)~~(47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(50)~~(48) Johnston: December 1 to June 5 with dip and bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River and Swift Creek;
- ~~(a)~~ ~~December 1 to March 1 with gill nets in Cattails Lake, Holts Lake, Holts Pond, and Wendell Lake;~~
- ~~(b)~~ ~~December 1 to June 5 with dip and bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River, and Swift Creek;~~
- ~~(51)~~(49) Jones:
- (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, except the tributaries to the White Oak River;
- ~~(52)~~(50) Lee:

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- (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River; and with gill nets in Morris Pond;
  - (b) July 1 to August 31 with seines in Cape Fear River;
  - (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- ~~(53)~~(51) Lenoir:
- (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
  - (b) December 1 to June 5 with dip and bow nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;
- ~~(54)~~(52) Lincoln:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters;
- ~~(55)~~(53) McDowell:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- ~~(56)~~(54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(57)~~(55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(58)~~(56) Martin: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(59)~~(57) Mecklenburg:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters except Freedom Park Pond and Hornet's Nest Ponds;
- ~~(60)~~(58) Montgomery:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- ~~(61)~~(59) Moore:
- (a) December 1 to April 15 with gill nets in Deep River and all tributaries;
  - (b) July 1 to August 31 with seines in all running public waters except in Deep River;
- (c) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- ~~(62)~~(60) Nash:
- ~~(a) December 1 to March 1 with gill nets in Boddies Pond and Camp Charles Lake;~~
  - ~~(b)(a)~~ July 1 to June 30 with gigs in all public waters, except Tar River;
  - ~~(c)(b)~~ December 1 to June 5 with dip and bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- ~~(63)~~(61) New Hanover: December 1 to June 5 with dip and bow nets in all inland public waters, except Sutton (Catfish) Lake;
- ~~(64)~~(62) Northampton:
- (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
  - (b) December 1 to June 5 with dip and bow nets in Oconeechee Creek, Old River Landing ~~Gut; and with dip, bow and gill nets in Gut and Vaughans Creek below Watsons Mill;~~
  - (c) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;
- ~~(65)~~(63) Onslow:
- (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
  - (b) August 1 to March 31 with eel pots in the main run of New River between US 17 bridge and the mouth of Hawkins Creek;
  - (c) December 1 to June 5 with dip and bow nets in the main run of New River and in the main run of the White Oak River;
  - (d) March 1 to April 30 with dip and bow nets in Grant's Creek;
- ~~(66)~~(64) Orange:
- (a) July 1 to August 31 with seines in Haw River,
  - (b) July 1 to June 30 with gigs in all public waters;
- ~~(67)~~(65) Pamlico: December 1 to June 5 with dip and bow nets in all inland public waters, except Dawson Creek;
- ~~(68)~~(66) Pasquotank:
- (a) July 1 to June 30 with traps in all inland waters;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(69)~~(67) Pender:
- (a) December 1 to June 5 with dip and bow nets in the Northeast Cape Fear

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- River, Long Creek and Black River; and with seines in the main run of Northeast Cape Fear River;
- (b) December 1 to May 1 with dip and bow nets in Moore's Creek approximately one mile upstream to New Moon Fishing Camp;
- ~~(70)~~(68) Perquimans:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- ~~(71)~~(69) Person:
- (a) July 1 to August 31 with seines in Hyco Creek and Mayo Creek;
- (b) July 1 to June 30 with gigs in all public waters.
- ~~(72)~~(70) Pitt:
- (a) July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee Creek east of Greenville;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, except Grindle Creek, and Contentnea Creek between NC 118 bridge at Grifton and the Neuse River;
- (c) December 1 to June 5 with seines in Tar River;
- ~~(73)~~(71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(74)~~(72) Randolph:
- (a) December 1 to March 1 with gill nets in Deep River and Uwharrie River;
- (b) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
- (c) July 1 to June 30 with gigs in all public waters;
- ~~(75)~~(73) Richmond:
- (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land;
- (c) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the mouth of Cartledge Creek;
- ~~(76)~~(74) Robeson: December 1 to March 1 with ~~attended gill nets and~~ gigs in all inland public waters.
- ~~(77)~~(75) Rockingham:
- (a) July 1 to August 31 with seines in Dan River and Haw River;
- (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- ~~(78)~~(76) Rowan:
- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;
- ~~(79)~~(77) Rutherford:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
- (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- ~~(80)~~(78) Sampson: December 1 to June 5 with dip and bow nets in Big Coharie Creek, Black River and Six Runs Creek;
- ~~(a) December 1 to March 1 with attended gill nets in all inland public waters;~~
- ~~(b) December 1 to May 1 with attended gill nets in Big Coharie Creek, Black River, and Six Runs Creek;~~
- ~~(c) May 2 to June 5 with attended gill nets of no less than five and one-half inch stretch measure in Big Coharie Creek, Black River, and Six Runs Creek;~~
- ~~(d) December 1 to June 5 with dip and bow nets in Big Coharie Creek, Black River, and Six Runs Creek;~~
- ~~(81) Scotland: December 1 to March 1 with attended gill nets in all inland public waters, except lakes located on the Sandhills Game Land;~~
- ~~(82)~~(79) Stanly:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
- (b) July 1 to June 30 with traps and gigs in all public waters;
- ~~(83)~~(80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- ~~(84)~~(81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- ~~(85)~~(82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(86)~~(83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- ~~(87)~~(84) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernong River, Alligator Creek,

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- and the drainage canals of Lake Phelps;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding Lake Phelps, public lakes, ponds and other impounded waters;
- ~~(88)~~(85) Union:
  - (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- ~~(89)~~(86) Vance:
  - ~~(a) — December 1 to March 1 with gill nets in Southerlands Pond and Ellis Pond;~~
  - ~~(b)~~(a) July 1 to August 31 with seines in the Tar River;
  - ~~(c)~~(b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
  - ~~(d)~~(c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
  - ~~(e)~~(d) July 1 to June 30 with cast nets in all public waters;
- ~~(90)~~(87) Wake:
  - (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
  - (b) December 1 to June 5 with dip and bow nets in the Neuse River below Milburnie Dam, and Swift Creek below Lake Benson Dam;
- ~~(91)~~(88) Warren:
  - (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; excluding Duck and Hammes Mill Ponds;
  - (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
  - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir and Gaston Reservoir;
  - (d) July 1 to June 30 with cast nets in all public waters;
- ~~(92)~~(89) Washington:
  - (a) July 1 to June 30 with traps in the drainage canals of Lake Phelps;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding Lake Phelps, public lakes, ponds and other impoundments;
- ~~(93)~~(90) Wayne: December 1 to June 5 with dip and bow nets in Little River, Mill Creek and Neuse River.
  - ~~(a) — December 1 to March 1 with gill nets in Sasser's Mill Pond and Sleepy Creek Lake;~~

- ~~(b) — December 1 to June 5 with dip and bow nets in Little River, Mill Creek, and Neuse River, except from Quaker Neck Dam downstream to SR 1008 (Tolar) bridge;~~
- ~~(94)~~(91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spear guns in all public waters, except designated public mountain trout waters;
- ~~(95)~~(92) Wilson:
  - (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
  - (b) December 1 to June 5 with dip and bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam;
  - ~~(c) — January 1 to March 1 with gill nets in Silver Lake;~~
- ~~(96)~~(93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

*History Note: Temporary Amendment Eff. December 1, 1993; Temporary Amendment Eff. December 29, 1988; Authority G.S. 113-134; 113-276; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; June 1, 1994; Temporary Amendment Eff. July 1, 2001.*

SUBCHAPTER 10D – GAME LANDS REGULATIONS

SECTION .0100 – GAMES LANDS REGULATIONS

15A NCAC 10D .0103 HUNTING ON GAME LANDS

- (a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with special restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.
- (b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.
- (c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.
- (d) Time and Manner of Taking. Except where closed to hunting or limited to specific dates by this Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted. On managed waterfowl impoundments, hunters shall not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates;

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decoys shall not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. each day. No person shall operate any vessel or vehicle powered by an internal combustion engine on a managed waterfowl impoundment. No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods. No live wild animals or wild birds shall be removed from any game land.

(e) Definitions:

- (1) For purposes of this Section "Eastern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(A); "Central" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(D); "Northwestern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(B); "Western" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(C).
(2) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving, Christmas and New Year's Days within the federally-announced season.
(3) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days. These "open days" also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
(4) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons, except that:
(A) Bears shall not be taken on lands designated and posted as bear sanctuaries;
(B) Wild boar shall not be taken with the use of dogs on such bear sanctuaries, and wild boar may be hunted only during the bow and arrow seasons, the muzzle-loading deer season and the regular gun season on male deer on bear sanctuaries;
(C) On game lands open to deer hunting located in or west of the counties of Rockingham, Guilford, Randolph,

Montgomery and Anson, the following rules apply to the use of dogs during the regular season for hunting deer with guns:

- (i) Except for the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, game birds may be hunted with dogs.
(ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season may be hunted with dogs on all game lands except on bear sanctuaries.

- (D) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk counties dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15;

(f) Game Lands Seasons and Other Restrictions:

- (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season in that portion in Montgomery county and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.
(2) Angola Bay Game Land in Duplin and Pender counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
~~(3) Anson Game Land in Anson County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.~~
(4)(3) Bachelor Bay Game Land in Bertie and Washington counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
~~(5)(4) Bertie County Game Land in Bertie County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.~~
~~(6)(5) Bladen Lakes State Forest Game Land in Bladen County~~

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- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Saturday preceding Eastern bow season with bow and arrow and the Friday preceding the Eastern muzzle-loading season with any legal weapon (with weapons exceptions described in this Paragraph) by participants in the Disabled Sportsman Program.
- (C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used or possessed.
- (D) On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting.
- (E) Wild turkey hunting is by permit only.
- ~~(6)~~ (6) Brunswick County Game Land in Brunswick County: Permit Only Area
- ~~(7)~~ (7) Brushy Mountains Game Land in Caldwell County
  - ~~(A)~~ (A) Six Days per Week Area
  - ~~(B)~~ (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- ~~(8)~~ (7) Bullard and Branch Hunting Preserve Game Lands in Robeson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- ~~(9)~~ (8) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 p.m. On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
  - (D) Horseback riding, including all equine species, is prohibited.
  - (E) Target shooting is prohibited
  - (F) Wild turkey hunting is by permit only.
- ~~(10)~~ (9) Cape Fear Game Land in Pender County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
- ~~(11)~~ (10) Caswell Game Land in Caswell County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
  - (C) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to engaging in such activity.
- ~~(12)~~ (11) Caswell Farm Game Land in Lenoir County-Dove-Only Area
  - ~~(A)~~ (A) Dove hunting is by permit only during the first two open days of the first segment of dove season.
- ~~(13)~~ (12) Catawba Game Land in Catawba and Iredell counties: County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
  - (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- ~~(14)~~ (13) Chatham Game Land in Chatham and Harnett counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- ~~(15)~~ (14) Cherokee Game Land in Ashe County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- ~~(16)~~ (15) Cherry Farm Game Land in Wayne County
  - ~~(A)~~ (A) Three Days per Week Area
  - ~~(B)~~ (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - ~~(C)~~ (C) The use of centerfire rifles and handguns is prohibited.
- ~~(17)~~ (16) Chowan Game Land in Chowan County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. ~~in~~

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- ~~addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.~~
- (18)(16) Chowan Swamp Game Land in Gates County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (17) Cold Mountain Game Land in Haywood County  
 (A) Six Days per Week Area  
 (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.
- (19)(18) Columbus County Game Land in Columbus County.  
 (A) Three Days per Week Area  
 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (20)(19) Croatan Game Land in Carteret, Craven and Jones counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.  
 (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (21)(20) Currituck Banks Game Land in Currituck County  
 (A) Six Days per Week Area  
 (B) Permanent waterfowl blinds in Currituck Sound adjacent to these game lands shall be hunted by permit only after November 1.  
 (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not possess or use a ~~fire arm~~ firearm.  
 (D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or shoreline.  
 (E) Dogs shall be allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.  
 (F) No screws, nails, or other objects penetrating the bark will be used to attach a tree stand or blind to a tree.
- (22)(21) Dare Game Land in Dare County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (C) No hunting on posted parts of bombing range.  
 (D) The use and training of dogs is prohibited from March 1 through June 30.
- (23)(22) Dupont State Forest Game Lands in Henderson and Transylvania counties  
 (A) Hunting is by Permit only.  
 (B) The training and use of dogs for hunting except during scheduled small game permit hunts for squirrel, grouse, rabbit, or quail is prohibited.  
 (C) Participants of the Disabled Sportsman Program may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.
- (24)(23) Dysartsville Game Land in McDowell and Rutherford counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (25)(24) Elk Knob Game Land in Ashe and Watauga counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (26)(25) Gardner-Webb Game Land in Cleveland County  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (27)(26) Goose Creek Game Land in Beaufort and Pamlico counties  
 (A) Six Days per Week Area  
 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.  
 (C) On posted waterfowl impoundments waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl duck hunting seasons. After November 1, on the Pamlico Point, Campbell Creek, Hunting Creek and Spring Creek impoundments, a special permit is required for hunting on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.
- (28)(27) Green River Game Land in Henderson, ~~and Polk and Rutherford~~ counties  
 (A) Six Days per Week Area  
 (B) ~~Deer of either sex may be taken the last six open days of the applicable~~

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~~Deer With Visible Antlers Season in that portion in Rutherford County; and deer~~ of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. ~~Season in that portion in Polk and Henderson counties.~~

- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This rule includes all equine species.

~~(29)~~(28) Green Swamp Game Land in Brunswick County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

~~(30)~~(29) Gull Rock Game Land in Hyde County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Year's Days; and the opening and closing days of the applicable waterfowl seasons.

~~(34)~~(30) Hickorynut Mountain Game Land in McDowell County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

~~(32)~~(31) Hofmann Forest Game Land in Jones and Onslow counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

~~(33)~~(32) Holly Shelter Game Land in Pender County

- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Eastern muzzle-loading season with any legal weapon and the Saturday preceding Eastern bow season with bow and arrow by participants in the Disabled Sportsman Program

- (C) Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons

regardless of the day of the week on which they occur.

~~(34)~~ ~~Huntsville Community Farms Game Land in Yadkin County~~

- ~~(A)~~ ~~Three Days per Week Area~~
- ~~(B)~~ ~~Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.~~

~~(35)~~(33) Hyco Game land in Person County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

~~(34)~~ ~~J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.~~

~~(36)~~(35) Jordan Game Land in Chatham, Durham, Orange and Wake counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) Horseback riding, including all equine species, is prohibited.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only.

~~(37)~~(36) Lantern Acres Game Land in Tyrrell and Washington counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. ~~In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.~~

~~(38)~~(37) Lee Game Land in Lee County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

~~(39)~~(38) Linwood Game Land in Davidson County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six on all of the open days of the applicable Deer With Visible Antlers Season.

~~(40)~~ ~~Little Alligator River Game Land in Tyrrell County, Permit Only Area~~

~~(44)~~(39) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties

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- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
- (C) Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to the Monday on or nearest October 15.
- (42)(40) Neuse River Game Land in Craven County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (43)(41) New Lake Game Land in Hyde County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (44)(42) North River Game Land in Currituck County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
  - (C) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or shoreline.
- (45)(43) Northwest River Marsh Game Land in Currituck County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
  - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (46)(44) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
  - (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties North of US-74.
- (D) On that part of Pee Dee River Game Lands between Blewett Falls Dam and the South Carolina state line, waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 PM in this area.
- (47)(45) Perkins Game Land in Davie County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (48)(46) Person Game Land in Person County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (49)(47) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion in Avery and Yancey counties and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east.
  - (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.
- (50)(48) Pungo River Game Land in Hyde County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six

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- open days of the applicable Deer With Visible Antlers Season.
- ~~(51)~~(49) Roanoke River Wetlands in Bertie, Halifax and Martin counties-Hunting is by Permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
- ~~(50)~~ Roanoke Sound Marshes Game Land in Dare County-Hunting is by permit only.
- ~~(52)~~(51) Robeson Game Land in Robeson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- ~~(53)~~(52) Sampson Game Land in Sampson County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(54)~~(53) Sandhills Game Land in Moore, Richmond and Scotland counties
  - (A) Three Days per Week Area
  - (B) The Deer With Visible Antlers season for deer consists of the open hunting ~~dates -days~~ from the second Monday Saturday before Thanksgiving through the third Saturday after Thanksgiving except on the field trial grounds where the gun season is open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting ~~dates -days~~ during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving week open days beginning the third Saturday before Thanksgiving through the following Wednesday, and during the Deer With Visible Antlers season.
  - (C) Deer of either-sex may be taken during the first 3 open days of the Deer With Visible Antlers season. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer and rabbit seasons specifically indicated for the field trial grounds in in the preceding paragraph this Rule and Disabled Sportsman Program hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.
- (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons
- (E) Wild turkey hunting is by permit only.
- (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.
- ~~(G)~~ Rabbit hunting on the field trial grounds will be allowed on open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving.
- ~~(55)~~(54) Sauratown Plantation Game Land in Stokes County
  - (A) Three Days per Week Area
  - (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- ~~(56)~~(55) Scuppernong Game Land in Tyrrell and Washington counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. ~~In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.~~
- ~~(57)~~(56) Shearon Harris Game Land in Chatham and Wake counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
  - (D) The use or construction of permanent hunting blinds is prohibited.
  - (E) Wild turkey hunting is by permit only.
- ~~(58)~~(57) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

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~~(59)~~(58) Suggs Mill Pond Game Land in Bladen County; Hunting is by Permit only.

~~(60)~~(59) Sutton Lake Game Land in New Hanover County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

~~(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.~~

~~(61)~~(60) Three Top Mountain Game Land in Ashe County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

~~(62)~~(61) Thurmond Chatham Game Land in Wilkes County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take either-sex deer with bow and arrow on the Saturday prior to Northwestern bow and arrow season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species. Participants must obtain a game lands license prior to horseback riding on this area.

~~(63)~~(62) Toxaway Game Land in Transylvania County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

~~(64)~~(63) Uwharrie Game Land in Davidson, Montgomery and Randolph counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last open six days of the applicable Deer With Visible Antlers Season.

~~(65)~~(64) Vance Game Land in Vance County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.

~~(65)~~ Van Swamp Game Land in Beaufort and Washington counties

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(66) White Oak River Impoundment Game Land in Onslow County

- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the statewide waterfowl hunting seasons. After October 1, a special permit is required for hunting waterfowl on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day. Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.

~~(67)~~ Yadkin Game Land in Caldwell County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(g) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and shall be nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator agent or by phone.

(h) The following game lands and refuges shall be closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

Bertie, Halifax and Martin counties--Roanoke River Wetlands

Bertie County--Roanoke River National Wildlife Refuge  
 Bladen County—Suggs Mill Pond Game Lands  
 Burke County—John's River Waterfowl Refuge  
 Dare County--Dare Game Lands (Those parts of bombing range posted against hunting)  
Dare County--Roanoke Sound Marshes Game Lands  
 Davie--Hunting Creek Swamp Waterfowl Refuge  
 Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge  
 Henderson and Transylvania counties--Dupont State Forest Game Lands

Three Top Mountain Game Land, Ashe County  
 Nantahala National Forest Game Lands in the Counties of Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania  
 Pisgah National Forest Game Lands in the Counties of Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania and Yancey  
 Thurmond Chatham Game Land in Wilkes County  
 Toxaway Game Land in Transylvania County

*History Note: Temporary Amendment Eff. October 3, 1991; Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994; Temporary Amendment Eff. October 1, 1999; July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001.*

(3) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(2) of this Rule are wild trout waters unless classified otherwise. [See 15A NCAC 10C .0205(a)(1)].

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

*History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305; Eff. February 1, 1976; Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992; Temporary Amendment Effective July 1, 2001.*

**15A NCAC 10D .0104 FISHING ON GAME LANDS**

(a) Generally. Except as otherwise indicated herein, fishing on game lands which are open to fishing shall be in accordance with the statewide rules. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, bow and arrow or other special fishing device of a type mentioned in 15A NCAC 10C .0403 may be used in any ~~of the impounded waters located~~ entirely on the Sandhills Game Land on game lands.

**SUBCHAPTER 10H – REGULATED ACTIVITIES**

**SECTION .0300 – HOLDING WILDLIFE IN CAPTIVITY**

**15A NCAC 10H .0301 GENERAL REQUIREMENTS**

(b) Designated Public Mountain Trout Waters

(1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land from one-half hour after sunset to one-half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of the Nantahala River located downstream from the Swain County line, and in the sections of Green River in Polk County located on Green River Game Lands from Cove Creek downstream to Brights Creek.

(2) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except Cherokee Lake, Grogan Creek, and Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to Tennessee line, Nolichucky River, and Mill Ridge Pond and Cheoah River downstream of Santeetlah Reservoir.

Dupont State Forest Game Lands in Henderson and Transylvania counties

(a) Captivity Permit

(1) Requirement. The possession of any species of wild animal which is or once was native to this State or any species of wild bird which naturally occurs or historically occurred in this State, being native or migratory, is unlawful unless the institution or individual in possession thereof has first obtained from the Wildlife Resources Commission a captivity permit or a captivity license as required by this Rule.

(2) Injured, Crippled or Orphaned Wildlife. Notwithstanding the preceding Subparagraph (1) of this Rule, a crippled, injured or orphaned wild animal or wild bird, except wild turkey, deer or black bear may be taken and kept in possession for no longer than five days, provided that during such five-day period the individual in possession thereof shall apply to the Wildlife Resources Commission, or a wildlife Zenforcement ~~officer~~officer of the Commission, for a captivity permit.

Deer-Deer, Wild Turkey, and Black Bear. Captivity permits will not be issued for crippled, injured or orphaned black bear. No person shall keep a crippled, injured or orphaned black bear in

possession for longer than a 24 hour period. Captivity permits for crippled, injured, or orphaned deer will only be issued to certain rehabilitators predesignated by the Commission to provide temporary care for fawn deer. No captivity permits will be issued for holding wild turkeys.

- (3) Application and Term. A captivity permit will be issued without charge and may be issued upon informal request by mail, telephone, or other means of communication; but such permit shall authorize possession of the animal or bird only for such period of time as may be required for the rehabilitation and release to the wild; or to obtain a captivity license as provided by Paragraph (b) of this Rule, if such a license is authorized, or to make a proper disposition of the animal or bird, as determined by the Executive Director, if the application for such license is denied, or when an existing captivity license is not renewed or is terminated.

(b) Captivity License

- (1) Requirement. Except as provided in Paragraph (a) of this Rule, no person shall keep any species of wild animal which is or once was native to this State or any deer, elk, or other member of the family Cervidae; or any coyote, wolf, or other nonindigenous member of the family Canidae; or any species of wild bird which naturally occurs or historically occurred in this State, either resident or migratory, without first having obtained from the Wildlife Resources Commission a license to hold the particular species of animal or bird in captivity. No wildlife captivity license will be issued for exotic wild animals, non-indigenous wild animals, or native big game species when the reason for holding such wild animals is release for hunting. No captivity license will be issued for holding wild turkeys.

Acquisition of Wildlife. Notwithstanding the provisions of Subparagraph (a)(2) of this Rule, captivity licenses may not be issued if the wild animal or wild bird was acquired unlawfully or merely as a pet.

- (2) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity which shall comply with the minimum standards set forth in Rule .0302 of this Section, and the adequacy of such facility has been verified on inspection by a representative of the Commission.
- (3) Term of License
  - (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.

- (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license which is issued shall be for a period less than one year as rehabilitation may require. Captivity licenses will not be issued for rehabilitation of deer-deer, turkey, and black bear.

- (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird shall be operative to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for its retention.

(c) Nontransferability. No license or permit issued pursuant to this Rule shall be transferable, either as to the holder or the site of a holding facility.

(d) Sale or Transfer of Captive Wildlife. It is unlawful for any person to transfer or receive any wild animal or wild bird which is being held under a captivity permit issued under Paragraph (a) of this Rule, except that any such animal or bird may be surrendered to an agent of the Wildlife Resources Commission. It is unlawful for any person holding a captivity license issued under Paragraph (b) of this Rule to sell or transfer the animal or bird held under such license, except that such animal or bird may be surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal or bird to another person who has obtained a license to hold it in captivity. Upon such a sale or transfer, the seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and license number of the buyer or transferee, a copy of which shall be transmitted to the Wildlife Resources Commission. It is unlawful for any person to release into the wild for any purpose or allow to range free any species of deer, elk or other members of the family Cervidae or any wolf, coyote, or other nonindigenous member of the family Canidae.

(e) Applicability of Section. The following licenses include authority for incidental transportation and possession of wildlife covered under the license:

- (1) Wildlife and fish collection licenses [G.S. 113-272.4; 15A NCAC 10B .0119; 15A NCAC 10C .0214];
- (2) Controlled hunting preserve license [G.S. 113-273(g); 15A NCAC 10H .0100];
- (3) Commercial trout pond license [G.S. 113-273(c); 15A NCAC 10H .0400];
- (4) Fish propagation license [G.S. 113-273(e); 15A NCAC 10H .0700];
- (5) Falconry permit and license [G.S. 113-270.3(b)(5); 15A NCAC 10H .0800];
- (6) Game bird propagation license [G.S. 113-273(h); 15A NCAC 10H .0900].
- (7) Furbearer propagation license [G.S. 113-273(i); 15A NCAC 10H .1100].

*History Note:* Authority G.S. 113-134; 113-272.5; 113-274; 113-292;  
Eff. February 1, 1976;

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Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988; Temporary Amendment Eff. July 1, 2001.

SECTION .0900 – GAME BIRD PROPAGATORS

15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE

The game bird propagation license authorizes the purchase, possession, propagation, sale, and transportation of propagated upland game birds—birds, except wild turkey, and migratory game birds, and their eggs in accordance with the other rules of this Section, subject to the following limitations and conditions:

- (1) The sale of dead pen-raised quail for food is governed by the regulations of the North Carolina Department of Agriculture;
(2) The possession, sale, and transfer of migratory game birds is subject to additional requirements contained in Title 50 of the Code of Federal Regulations.
(3) No propagation license will be issued for wild turkeys.

History Note: Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21; Eff. January 1, 1981; Amended Eff. July 1, 1988; July 1, 1987; Temporary Amendment Eff. July 1, 2001.

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Effective Date: May 1, 2001

Findings Reviewed and Approved by: Julian Mann, III

Authority for the rulemaking: G.S. 75A-3; 75A-15

Reason for Proposed Action: The McDowell County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the areas by restricting vessel speed.

Comment Procedures: The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). This temporary rule is adopted following the public hearing and public comment period established for permanent rule adoption.

CHAPTER 10 – WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F – MOTORBOATS AND WATER SAFETY

SECTION .0300 – LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0339 MCDOWELL COUNTY

(a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County:

- (1) that area adjacent to the shoreline of the McDowell Wildlife Club property;
(2) that area adjacent to the shoreline of the Marion Moose Club property;
(3) that area known as Morgan Cove;
(4) that area within 50 yards of the shoreline at the New Manna Baptist Youth Camp;
(5) that area within 50 yards of the shoreline at Burnett's Landing;
(6) the cove area adjacent to the State Park swimming area;
(7) the cove area adjacent to the State Park picnic area and dock;
(8) that area within 50 yards of camping areas in the Lake James State Park as designated by the appropriate markers;
(9) that area within 50 yards of the boat launching ramp at the Marion Lake Club;
(10) that area within 50 yards in either direction from the marina docks in Plantation Point Cove;
(11) that designated area of Goodman's Landing Cove within 50 yards of the swimming area and boat docks of Goodman's Campground;
(12) that area beginning at the rock shoals located at Deerfield Campground downstream for a distance of approximately 200 yards as delineated by appropriate markers;
(13) that area as delineated by appropriate markers along the shoreline of the development known as Lakeview Pointe;
(14) that area as delineated by appropriate markers at the Waterglyn Subdivision Cove;
(15) that area as delineated by appropriate markers along the shoreline of the Lakeview Shoes Subdivision. Subdivision;
(16) that area as delineated by appropriate markers at the North Fork of the Catawba River where it enters Lake James.

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

(c) Restricted Swimming Areas. No person operating or responsible for the operation of any vessel, surfboard or waterskis shall permit the same to enter any marked swimming area located on the regulated area.

(d) Placement and Maintenance of Markers. The Board of Commissioners of McDowell County is designated a suitable agency for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. August 23, 1981; Amended Eff. February 1, 1996; December 1, 1993; March 1, 1992; April 1, 1991; Temporary Amendment Eff. February 1, 1998; Amended Eff. July 1, 1998; Temporary Amendment Eff. February 4, 2000; April 1, 1999; Amended Eff. July 1, 2000;

Temporary Amendment Eff. May 1, 2001.

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**Rule-making Agency:** *Commission for Health Services*

**Rule Citation:** *15A NCAC 18A .1210*

**Effective Date:** *April 1, 2001*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rulemaking:** *G.S. 130A-275*

**Reason for Proposed Action:** *This Rule is needed to address the Listeriosis outbreak that began in Forsyth County which resulted in five fetal deaths, two premature births, two near term infants were born affected and all nine mothers were affected. The outbreak was traced to homemade raw milk cheeses.*

**Comment Procedures:** *Please send all comments to Susan C. Grayson, Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632.*

CHAPTER 18 – ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1200 – GRADE A MILK SANITATION

**15A NCAC 18A .1210 RESTRICTIONS ON DISPENSING RAW MILK**

Dairy farms shall dispense raw milk or raw milk products only to a permitted milk hauler or to a processing facility for which the processing of milk is permitted, graded or regulated by a state or federal agency. However, this Rule does not prohibit the farmer or the owner of the raw milk or raw milk products from destroying the milk or from dispensing it for animal feed in accordance with any applicable state and federal regulations.

*History Note: Authority G.S. 130A-275; Temporary Adoption Eff. April 1, 2001.*

## RULES REVIEW COMMISSION

*This Section contains the agenda for the next meeting of the Rules Review Commission on Wednesday, April 19, 2001, 10:00 a.m. at 1307 Glenwood Avenue, Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Tuesday, April 13, 2001 at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.*

### RULES REVIEW COMMISSION MEMBERS

#### Appointed by Senate

Paul Powell - Chairman  
Robert Saunders  
Laura Devan  
Jim Funderburke  
David Twiddy

#### Appointed by House

John Arrowood - 1<sup>st</sup> Vice Chairman  
Jennie J. Hayman 2<sup>nd</sup> Vice Chairman  
Walter Futch  
Jeffrey P. Gray  
George Robinson

### RULES REVIEW COMMISSION MEETING DATES

April 19, 2001

May 17, 2001  
July 19, 2001

June 14, 2001  
August 16, 2001

### *Log of Filings (Log #174) February 20, 2001 through March 20, 2001*

#### DHHS/DIVISION OF MEDICAL ASSISTANCE

Personal Care Services 10 NCAC 26H .0506 Amend

#### DHHS/SOCIAL SERVICES COMMISSION

Licensing Process 10 NCAC 41S .0102 Amend  
Definitions 10 NCAC 41S .0201 Amend  
Responsibility to Division of Social Services 10 NCAC 41S .0202 Amend  
Licensure Procedures 10 NCAC 41S .0204 Amend  
Recordkeeping and Reporting 10 NCAC 41S .0305 Amend  
Client Rights 10 NCAC 41S .0306 Amend  
Personnel Deployment 10 NCAC 41S .0402 Amend  
Personnel Positions 10 NCAC 41S .0405 Amend  
Admission Agreement 10 NCAC 41S .0503 Amend  
Client Records 10 NCAC 41S .0506 Amend  
Work 10 NCAC 41S .0612 Amend  
Incident Reports 10 NCAC 41S .0614 Amend  
Fire and Building Safety 10 NCAC 41S .0704 Amend  
General Sanitation 10 NCAC 41S .0705 Amend  
Sleeping Areas 10 NCAC 41S .0707 Amend  
Vehicles Used for Transportation 10 NCAC 41S .0713 Amend  
Buildings and Ground Equipment 10 NCAC 41T .0106 Amend  
Applicability 10 NCAC 41T .0201 Amend

#### JUSTICE/N C SHERIFFS' EDUCATION AND TRAINING STANDARDS

Purpose 12 NCAC 10B .1601 Adopt

#### DENR

Definitions 15 NCAC 18A .3301 Adopt  
Approval of Construction and Renovation Plans 15 NCAC 18A .3302 Adopt  
Inspections and Reports 15 NCAC 18A .3303 Adopt  
Food Supplies 15 NCAC 18A .3304 Adopt  
Food Protection 15 NCAC 18A .3305 Adopt  
Food Storage 15 NCAC 18A .3306 Adopt  
Food Preparation 15 NCAC 18A .3307 Adopt  
Food Service 15 NCAC 18A .3308 Adopt  
Food Service Equipment and Utensils 15 NCAC 18A .3309 Adopt

**RULES REVIEW COMMISSION**

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Specifications for Kitchens	15 NCAC 18A .3310	Adopt
Cleaning and Sanitizing of Equipment and Utensils	15 NCAC 18A .3311	Adopt
Manual Cleaning and Sanitizing	15 NCAC 18A .3312	Adopt
Mechanical Cleaning and Sanitizing	15 NCAC 18A .3313	Adopt
Food Service Equipment and Utensil Storage	15 NCAC 18A .3314	Adopt
Water Supply	15 NCAC 18A .3315	Adopt
Drinking Water Facilities	15 NCAC 18A .3316	Adopt
Toilets	15 NCAC 18A .3317	Adopt
Lavatories and Bathing Facilities	15 NCAC 18A .3318	Adopt
Clothing and Clothing Changing	15 NCAC 18A .3319	Adopt
Storage	15 NCAC 18A .3320	Adopt
Beds and Linens	15 NCAC 18A .3321	Adopt
Furniture, Equipment and Activities Supplies	15 NCAC 18A .3322	Adopt
Personnel	15 NCAC 18A .3323	Adopt
Floors	15 NCAC 18A .3324	Adopt
Walls and ceilings	15 NCAC 18A .3325	Adopt
Lighting and Thermal Environment	15 NCAC 18A .3326	Adopt
Communicable Diseases and Conditions	15 NCAC 18A .3327	Adopt
Handwashing	15 NCAC 18A .3328	Adopt
Wastewater	15 NCAC 18A .3329	Adopt
Solid Wastes	15 NCAC 18A .3330	Adopt
Animal and Vermin Control: Premises	15 NCAC 18A .3331	Adopt
Outdoor Areas	15 NCAC 18A .3332	Adopt
Swimming and Wading Pools	15 NCAC 18A .3333	Adopt
Compliance	15 NCAC 18A .3334	Adopt
Appeals Procedures	15 NCAC 18A .3335	Adopt
<b>EDUCATION, STATE BOARD OF</b>		
Test Administration	16 NCAC 06D .0302	Amend
Driver Training	16 NCAC 06E .0301	Amend
<b>NC STATE BOARD OF COMMUNITY COLLEGES</b>		
Drivers' Eligibility Certificate	23 NCAC 02C .0308	Adopt
Tuition and Fees for Curriculum Programs	23 NCAC 02D .0202	Amend
Fees for Extension Programs	23 NCAC 02D .0203	Amend
<b>DEPARTMENT OF ADMINISTRATION/STATE PERSONNEL COMMISSION</b>		
Designation of Terms of Teleworking Arrangements	25 NCAC 01C .0807	Adopt
Termination of Teleworking Arrangement	25 NCAC 01C .0808	Adopt
Appeals	25 NCAC 01I .2310	Amend
<b>OFFICE OF ADMINISTRATIVE HEARINGS</b>		
Cost for Copies	26 NCAC 01 .0103	Amend

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**AGENDA**  
**RULES REVIEW COMMISSION**  
**April 19, 2001**

1. Call to Order and Opening Remarks
2. Review of minutes of last meeting
3. Follow Up Matters
  - A. Department of Agriculture Structural Pest Control Committee– 2 NCAC 34 .0502: Objection on 12/21/00 (DeLuca)
  - B. Department of Cultural Resources – 7 NCAC 4S .0104 Objection on 12/21/00 (DeLuca)
  - C. Home Inspector Licensure Board - 11 NCAC 08 .1337: Objection on 02/28/01 (Bryan)
  - D. NC Private Protective Services Board – 12 NCAC 11 .0502: Objection on 02/28/01 (DeLuca)
  - E. DENR/Environmental Management Commission – 15A NCAC 2E .0502: Objection on 02/28/01 (Bryan)
  - F. Marine Fisheries Commission – 15A NCAC 3J .0107: Objection on 02/28/01 (Bryan)
  - G. Marine Fisheries Commission – 15A NCAC 3O .0501: Objection on 02/28/01 (Bryan)
  - H. Coastal Resources Commission – 15A NCAC 7J .0404: Objection on 02/28/01 (DeLuca)
  - I. Department of Revenue – 17 NCAC 7B .1303: Extend Period of Review on 12/21/00 (DeLuca)
  - J. Department of Transportation – 19A NCAC 2D .0601; .0607: Objection on 02/28/01 (Bryan)
4. Review of rules (Log Report #174)
5. Commission Business
6. Next meeting: Thursday, May 17, 2001

**CONTESTED CASE DECISIONS**

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.ncoah.com/hearings>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

**Chief Administrative Law Judge**

JULIAN MANN, III

**Senior Administrative Law Judge**

FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

*Sammie Chess Jr.*

*Beecher R. Gray*

*Melissa Owens Lassiter*

*James L. Conner, II*

*Beryl E. Wade*

*A.B. (Butch) Elkins*

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ALCOHOL BEVERAGE CONTROL COMMISSION</b>				
Dano's, Inc. v. NC ABC Commission	96 ABC 0250	Gray	03/16/01	
NC ABC Commission v Food Lion, Inc. T/A Food Lion Store 540	99 ABC 0366	Mann	05/30/00	
NC ABC Commission v.DCL., Inc. T/A Cheap Shot O'Malleys	99 ABC 1341	Morrison	06/15/00	15:03 NCR 340
Daniel W. Shelton T/A Shelton Broers v.NC ABC Commission	99 ABC 1641	Conner	08/31/00	15:08 NCR 879
NC ABC Commission v. Harris Teeter, Inc. T/A Harris Teeter 142	99 ABC 1746	Lassiter	05/01/00	
NC ABC Commission v. Headlights, Inc. T/A Headlights	00 ABC 0302	Gray	08/21/00	
Timothy Lee Hopper v. NC ABC Commission	00 ABC 0326	Lassiter	10/20/00	
Steven Wilson McCrae v. NC ABC Commission	00 ABC 0598	Wade	08/23/00	
Xavier DeShawn Bradley v. NC ABC Commission	00 ABC 0619	Mann	08/08/00	
NC Beverage Control Commission v. Rhonda Davis Lemons, Ind. T/A	00 ABC 0965	Mann	02/05/01	
NC ABC Commission v. Kevin Scott Heath, Robinhood Grille, LLC t/a Robinhood Grille	00 ABC 1026	Gray	12/19/00	15:14 NCR 1390
<b>BOARD OF MORTUARY SCIENCE</b>				
NC Board of Mortuary Science v. R.L. Sanders Funeral Home, Hugh Sanders and Demetrice Brewington	99 BMS 1180	Lassiter	11/27/00	
NC Board of Mortuary Science v. John Charles McNeill, McNeill Funerals, Inc.	00 BMS 0564	Wade	10/13/00	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Terry Ramey D/B/A/Ramey's Wrecker Service v. NC Dept. of of Crime Control & Public Safety, NC State Highway Patrol	99 CPS 1160	Morrison	01/26/01	15:17 NCR 1594
Mamie Lee French v. N.C. Crime Victims Compensation Commission	99 CPS 1646	Conner	04/27/00	15:01 NCR 38
Pearl J. Conner v. Victim & Justice Services, Dept of Crime Control & Public Safety	00 CPS 0903	Lassiter	11/09/00	
Kenneth E. Brooks v. NC Crime Victims Compensation Commission	00 CPS 1048	Lassiter	12/21/00	
Kathy Oates Parzygnat v. NC Crime Victims Compensation Commission	00 CPS 1054	Conner	01/29/01	
Dowu Thomas v. NC Crime Victims Compensation Commission	00 CPS 1090	Mann	01/17/01	
Derrick Davis v. NC Crime Victims Compensation Commission	00 CPS 1352	Gray	02/01/01	
<b>HEALTH AND HUMAN SERVICES</b>				
William M. Gardin v. Department of Health & Human Services	98 CRA 1054	Lassiter	06/20/00	
Frederica LaShon Smith v. Department of Health & Human Services	00 CRA 0278 <sup>1</sup>	Wade	06/30/00	
Charles Cecil Douglas v. Department of Health & Human Services	00 CRA 0648	Wade	08/23/00	
Tyrone Banks v. Department of Health & Human Services	00 CRA 1759	Gray	01/16/01	
Terry Weathers v. Department of Health & Human Services	00 CRA 1769	Conner	02/14/01	
Fredrick Gilmore v. Department of Health & Human Services	00 CRA 2125 <sup>10</sup>	Morrison	03/21/01	
<b>Child Support Enforcement Section</b>				
Steven M. Helms v. Department of Health & Human Services	98 CSE 1634	Gray	07/13/00	
David R. North v. Department of Health & Human Services	99 CSE 0408	Chess	10/25/00	
Michael A. Cameron v. Department of Health & Human Services	99 CSE 0424	Mann	09/25/00	
Charles Jr. Lotharp v. Department of Health & Human Services	99 CSE 0626	Lassiter	02/09/01	
Marcus James Ward v. Department of Health & Human Services	99 CSE 0784	Wade	09/29/00	

## CONTESTED CASE DECISIONS

Omer D. & Marinda A. Potter v. Department of Health & Human Services	99 CSE 0798	Chess	10/25/00
Anthony R. McRae Sr. v. Department of Health & Human Services	99 CSE 0812	Morrison	12/20/00
Richard Cook v. Department of Health & Human Services	99 CSE 0873 <sup>4</sup>	Chess	10/27/00
Richard C. Mack v. Department of Health & Human Services	99 CSE 1244	Mann	08/16/00
John Ray McCarroll v. Department of Health & Human Services	99 CSE 1272	Lassiter	08/16/00
Loany Centeno v. Department of Health & Human Services	99 CSE 1325	Chess	06/29/00
Craig D. McLeod v. Department of Health & Human Services	99 CSE 1369	Lassiter	08/29/00
Jermaine L. Covington v. Department of Health & Human Services	99 CSE 1408	Lassiter	11/01/00
Joseph E. Toothman v. Department of Health & Human Services	99 CSE 1428	Gray	09/27/00
Kenneth W. Freeman, Jr. v. Department of Health & Human Services	99 CSE 1455	Wade	10/31/00
Darryl Glenn Cannady v. Department of Health & Human Services	99 CSE 1457	Gray	07/27/00
Michael A. Whitlow v. Department of Health & Human Services	99 CSE 1482	Gray	07/11/00
Susan Marie Grier v. Department of Health & Human Services	99 CSE 1484	Mann	06/02/00
David R. McDonald v. Department of Health & Human Services	99 CSE 1486	Lassiter	10/02/00
Larry N. McLain v. Department of Health & Human Services	99 CSE 1488	Lassiter	08/16/00
Randy Gillespie v. Department of Health & Human Services	99 CSE 1491	Gray	08/22/00
Tony R. Wood v. Department of Health & Human Services	99 CSE 1501	Gray	01/12/01
Samuel E. Massenber, Jr. v. Department of Health & Human Services	99 CSE 1513	Morrison	09/27/00
Nina Maier v. Department of Health & Human Services	99 CSE 1541	Gray	07/28/00
Edward J. Lucero v. Department of Health & Human Services	99 CSE 1542	Mann	10/31/00
Ronald E. Davis, Jr. v. Department of Health & Human Services	99 CSE 1554	Gray	07/28/00
Almiron J. Deis v. Department of Health & Human Services	99 CSE 1589	Mann	10/31/00
Kenneth Jones v. Department of Health & Human Services	99 CSE 1590	Gray	08/22/00
Anthony C. Lambert v. Department of Health & Human Services	99 CSE 1699	Gray	06/05/00
Richard Cook v. Department of Health & Human Services	00 CSE 0053 <sup>4</sup>	Chess	10/27/00
Wendy Gosnell v. Department of Health & Human Services	00 CSE 0073	Mann	06/14/00
Matthew Gibson v. Department of Health & Human Services	00 CSE 0076	Mann	10/31/00
Dwight Dion Hallman v. Department of Health & Human Services	00 CSE 0098	Mann	06/14/00
Davis, Donald George v. Department of Health & Human Services	00 CSE 0107	Wade	06/08/00
Davis, Donald George v. Department of Health & Human Services	00 CSE 0108	Wade	06/08/00
Todd A. Flanders v. Department of Health & Human Services	00 CSE 0152	Mann	03/13/01
Thomas Jackson v. Department of Health & Human Services	00 CSE 0165	Chess	07/27/00
Albertus Shaw III v. Department of Health & Human Services	00 CSE 0176	Gray	06/05/00
Linwood Morris v. Department of Health & Human Services	00 CSE 0178	Mann	06/14/00
John H. Jones v. Department of Health & Human Services	00 CSE 0181	Morrison	08/25/00
Eddie J. Sykes v. Department of Health & Human Services	00 CSE 0192	Lassiter	06/13/00
Andrew S. McKenzie v. Department of Health & Human Services	00 CSE 0193	Wade	06/08/00
Darryal K. Anderson v. Department of Health & Human Services	00 CSE 0200	Gray	06/09/00
John V. Wiberg, Jr. v. Department of Health & Human Services	00 CSE 0211	Mann	06/23/00
William Jerry Gibbs v. Department of Health & Human Services	00 CSE 0213	Gray	06/22/00
Gregory L. Pinkett v. Department of Health & Human Services	00 CSE 0214	Wade	10/31/00
Joseph D. Turnage v. Department of Health & Human Services	00 CSE 0220	Morrison	11/16/00
Izell Anthony Twigg v. Department of Health & Human Services	00 CSE 0226	Gray	06/07/00
Don Fitzgerald Harris v. Department of Health & Human Services	00 CSE 0230	Mann	08/01/00
Benjamin E. Walker v. Department of Health & Human Services	00 CSE 0232	Morrison	07/31/00
Randy Keith Beddard v. Department of Health & Human Services	00 CSE 0236	Lassiter	06/20/00
Delinda Guthrie Montague v. Department of Health & Human Services	00 CSE 0237	Mann	08/01/00
Lavarr Sharpe v. Department of Health & Human Services	00 CSE 0240	Mann	06/26/00
Timothy Holtzclaw v. Department of Health & Human Services	00 CSE 0245	Gray	09/14/00
Melton Tillery v. Department of Health & Human Services	00 CSE 0246	Lassiter	06/20/00
Darla Judkin v. Department of Health & Human Services	00 CSE 0254	Chess	08/23/00
Christopher Mark Boyette v. Department of Health & Human Services	00 CSE 0262	Lassiter	11/01/00
Ronald L. Long, Jr. v. Department of Health & Human Services	00 CSE 0265	Mann	08/31/00
David Lee Jones v. Department of Health & Human Services	00 CSE 0269	Conner	09/27/00
Walter Witherspoon v. Department of Health & Human Services	00 CSE 0268	Chess	06/19/00
Frederica LaShon Smith v. Department of Health & Human Services	00 CSE 0279	Wade	06/08/00
John Wayne Chambers v. Department of Health & Human Services	00 CSE 0280	Mann	06/30/00
George Fuller v. Department of Health & Human Services	00 CSE 0283	Morrison	06/28/00
Robert G. Wilson v. Department of Health & Human Services	00 CSE 0285	Lassiter	05/25/00
Gary Frank Ramsey v. Department of Health & Human Services	00 CSE 0292	Mann	06/29/00
Pierce Foster Williams, Jr., v. Department of Health & Human Services	00 CSE 0297	Conner	09/26/00
Shylatron Copeland v. Department of Health & Human Services	00 CSE 0316	Mann	06/26/00
Isaac L. McCoy v. Department of Health & Human Services	00 CSE 0324	Lassiter	06/29/00
Robert Boening v. Department of Health & Human Services	00 CSE 0341	Mann	06/26/00
Joseph Patrick Santana v. Department of Health & Human Services	00 CSE 0344	Morrison	06/07/00
Hilton R. Shaw v. Department of Health & Human Services	00 CSE 0346	Lassiter	07/07/00
Glennie Mae Jones v. Department of Health & Human Services	00 CSE 0349	Mann	10/30/00
Anthony B. Bryant v. Department of Health & Human Services	00 CSE 0351	Wade	07/19/00
Michael Shelton DeBerry v. Department of Health & Human Services	00 CSE 0353	Gray	06/22/00
Leroy L. Alford v. Department of Health & Human Services	00 CSE 0354	Mann	06/26/00
Michael A. Tarach v. Department of Health & Human Services	00 CSE 0357	Morrison	07/26/00
Jeffrey T. Daye v. Department of Health & Human Services	00 CSE 0369	Lassiter	07/07/00
Michael Powell v. Department of Health & Human Services	00 CSE 0389	Conner	07/27/00
Jerry M. Thurmond v. Department of Health & Human Services	00 CSE 0390	Wade	06/30/00
Donald E. Church v. Department of Health & Human Services	00 CSE 0394	Gray	07/11/00
Ricky Barrett v. Department of Health & Human Services	00 CSE 0415	Mann	07/17/00
Kenneth Ray Smith v. Department of Health & Human Services	00 CSE 0416	Morrison	05/31/00
Juan M. Acosta v. Department of Health & Human Services	00 CSE 0417	Lassiter	06/24/00
Ronald T. Palmer v. Department of Health & Human Services	00 CSE 0422	Mann	10/31/00
Stanley Ray Allison v. Department of Health & Human Services	00 CSE 0425	Gray	07/11/00
James T. Graham v. Department of Health & Human Services	00 CSE 0426	Wade	06/08/00

**CONTESTED CASE DECISIONS**

Rufus Mitchell Simmons, Jr. v. Department of Health & Human Services	00 CSE 0431	Gray	06/27/00
James Howard Alexander v. Department of Health & Human Services	00 CSE 0433	Mann	06/26/00
Steve A. Hayward v. Department of Health & Human Services	00 CSE 0435	Morrison	07/14/00
Ronnie N. Morgan v. Department of Health & Human Services	00 CSE 0446	Gray	01/17/01
Leonard Gabriel v. Department of Health & Human Services	00 CSE 0450	Mann	06/29/00
Patrick L. Moore v. Department of Health & Human Services	00 CSE 0463	Wade	06/19/00
Gregory Lee Bell v. Department of Health & Human Services	00 CSE 0464	Connor	06/29/00
Tamika B. Jenkins v. Department of Health & Human Services	00 CSE 0466	Chess	06/19/00
William R. Parker v. Department of Health & Human Services	00 CSE 0467	Gray	06/26/00
Vernon Ledbetter v. Department of Health & Human Services	00 CSE 0468	Mann	06/14/00
Garry L. Studer v. Department of Health & Human Services	00 CSE 0471	Lassiter	07/31/00
Johnnie Green v. Department of Health & Human Services	00 CSE 0472	Wade	08/09/00
Roger Shular v. Department of Health & Human Services	00 CSE 0478	Mann	07/26/00
William A. Toney v. Department of Health & Human Services	00 CSE 0480	Wade	06/19/00
Larry O. Anthony v. Department of Health & Human Services	00 CSE 0484	Connor	06/26/00
Johnny Daye v. Department of Health & Human Services	00 CSE 0485	Gray	06/22/00
Jose A. Seijo v. Department of Health & Human Services	00 CSE 0491	Morrison	06/26/00
Randy Hammonds v. Department of Health & Human Services	00 CSE 0495	Lassiter	06/20/00
Shawn F. Moser Sr. v. Department of Health & Human Services	00 CSE 0511	Conner	08/14/00
Timothy Franklin Clowney v. Department of Health & Human Services	00 CSE 0512	Wade	08/09/00
Clarence Evans v. Department of Health & Human Services	00 CSE 0513 <sup>2</sup>	Conner	07/28/00
Clarence Evans v. Department of Health & Human Services	00 CSE 0545 <sup>2</sup>	Conner	07/28/00
Rickey L. Gullede v. Department of Health & Human Services	00 CSE 0558	Mann	06/26/00
Damon Barnes Jr. v. Department of Health & Human Services	00 CSE 0567	Lassiter	08/16/00
William A. Bell v. Department of Health & Human Services	00 CSE 0589	Gray	08/21/00
Robert Lee Thompson v. Department of Health & Human Services	00 CSE 0592	Wade	08/10/00
William T. Hutto v. Department of Health & Human Services	00 CSE 0594	Conner	09/07/00
Julian Orlando Fernandez v. Department of Health & Human Services	00 CSE 0599	Gray	08/21/00
Bryan Keith Wilkerson v. Department of Health & Human Services	00 CSE 0607	Morrison	08/01/00
Rodney A. Hopper v. Department of Health & Human Services	00 CSE 0613	Wade	08/23/00
Tabitha Angley v. Department of Health & Human Services	00 CSE 0614	Conner	07/27/00
Douglas M. Coker v. Department of Health & Human Services	00 CSE 0622	Chess	07/11/00
Mark Christopher Smith v. Department of Health & Human Services	00 CSE 0627	Gray	08/21/00
Rhonda Styers v. Department of Health & Human Services	00 CSE 0639	Mann	10/30/00
Terrence L. Holder v. Department of Health & Human Services	00 CSE 0640	Morrison	08/18/00
Anthony L. Reid v. Department of Health & Human Services	00 CSE 0647	Lassiter	01/16/01
Mikal M. Mua'zzin v. Department of Health & Human Services	00 CSE 0651	Conner	08/28/00
Jose' D. Rivas v. Department of Health & Human Services	00 CSE 0658	Chess	08/07/00
Benny G. Bowen v. Department of Health & Human Services	00 CSE 0666	Mann	12/11/00
Valerie A. Simpson v. Department of Health & Human Services	00 CSE 0673	Morrison	07/07/00
James H. Hopper, Jr. v. Department of Health & Human Services	00 CSE 0677	Lassiter	08/29/00
Joseph I. Woodcock v. Department of Health & Human Services	00 CSE 0684	Lassiter	07/07/00
Kenneth R. Harker v. Department of Health & Human Services	00 CSE 0686	Wade	09/11/00
Justine Roberts v. Department of Health & Human Services	00 CSE 0694	Conner	08/28/00
Dana E. Grice v. Department of Health & Human Services	00 CSE 0709	Morrison	09/08/00
Alfred R. Swain v. Department of Health & Human Services	00 CSE 0718	Mann	06/28/00
Tyrone K. Anthony v. Department of Health & Human Services	00 CSE 0741	Wade	10/31/00
James C. Martin, Jr. v. Department of Health & Human Services	00 CSE 0751	Conner	08/30/00
Wade A. Burgess v. Department of Health & Human Services	00 CSE 0757	Gray	08/22/00
Donald Daniel Harmon v. Department of Health & Human Services	00 CSE 0758	Mann	10/24/00
Parnell Dougloss Sparks v. Department of Health & Human Services	00 CSE 0761	Morrison	06/06/00
Kevin S. Tate v. Department of Health & Human Services	00 CSE 0764	Lassiter	09/11/00
Jeffrey Otis Hairr v. Department of Health & Human Services	00 CSE 0766	Mann	07/17/00
Ricky A. Phillips v. Department of Health & Human Services	00 CSE 0777	Morrison	08/01/00
Catherine A. Odom v. Department of Health & Human Services	00 CSE 0792	Mann	08/31/00
George Franklin Anderson v. Department of Health & Human Services	00 CSE 0793	Morrison	08/09/00
Raymond Thomas Carpenter, Jr. v. Department of Health & Human Svcs	00 CSE 0810	Mann	09/25/00
Darrell Johnson v. Department of Health & Human Services	00 CSE 0811	Wade	09/29/00
Ronald Owen Goodwin v. Department of Health & Human Services	00 CSE 0831	Chess	09/07/00
Jean M. Brown v. Department of Health & Human Services	00 CSE 0848	Wade	08/10/00
Richard B. Malloy v. Department of Health & Human Services	00 CSE 0849	Wade	10/02/00
Ronald R. Lemmons v. Department of Health & Human Services	00 CSE 0865	Gray	08/21/00
Gregory C. Tweed v. Department of Health & Human Services	00 CSE 0876	Conner	01/25/01
St. Clair Staley v. Department of Health & Human Services	00 CSE 0890 <sup>3</sup>	Conner	10/06/00
Kenneth Duncan v. Department of Health & Human Services	00 CSE 0896	Gray	09/27/00
Kelvin Hardesty v. Department of Health & Human Services	00 CSE 0901	Lassiter	10/02/00
Michael Anthony Wright v. Department of Health & Human Services	00 CSE 0922	Lassiter	10/17/00
Cyrus V. Perry v. Department of Health & Human Services	00 CSE 0924	Gray	09/29/00
Jamey Johnson v. Department of Health & Human Services	00 CSE 0925	Wade	10/10/00
Marvin A. Smith v. Department of Health & Human Services	00 CSE 0932	Conner	09/21/00
Chris Michael Moore v. Department of Health & Human Services	00 CSE 0945	Gray	10/17/00
James C. Boyce v. Department of Health & Human Services	00 CSE 0946	Wade	12/01/00
Matthew Russell Schmidt v. Department of Health & Human Services	00 CSE 0963	Morrison	10/04/00
Keith Stephenson v. Department of Health & Human Services	00 CSE 0979	Chess	10/25/00
Walter R. Spencer, Jr. v. Department of Health & Human Services	00 CSE 1010	Morrison	10/27/00
Keith D. Meredith v. Department of Health & Human Services	00 CSE 1011	Morrison	09/19/00
Billy Joe Davis v. Department of Health & Human Services	00 CSE 1012	Lassiter	09/08/00
Darwin Dean Graves v. Department of Health & Human Services	00 CSE 1014	Conner	11/28/00
Norman G. Mitchell v. Department of Health & Human Services	00 CSE 1036	Chess	12/18/00
Mary A. Hines v. Department of Health & Human Services	00 CSE 1047	Gray	10/20/00
St. Clair Staley v. Department of Health & Human Services	00 CSE 1069 <sup>3</sup>	Conner	10/06/00
Nancy Moore v. Department of Health & Human Services	00 CSE 1081	Lassiter	11/16/00

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Carl V. Greggs, Sr. v. Department of Health & Human Services	00 CSE 1082	Wade	11/16/00
Chester L. Jenkins v. Department of Health & Human Services	00 CSE 1089	Chess	12/13/00
Tacha Hyatt-Crowder v. Department of Health & Human Services	00 CSE 1098	Gray	11/07/00
Stan Valentine v. Department of Health & Human Services	00 CSE 1100	Morrison	11/16/00
Larry D Houston v. Department of Health & Human Services	00 CSE 1155	Gray	02/27/01
Carlos Eugene Jacobs v. Department of Health & Human Services	00 CSE 1259	Mann	11/30/00
Norman Bell v. Department of Health & Human Services	00 CSE 1268	Morrison	11/28/00
Travis Armstrong v. Department of Health & Human Services	00 CSE 1283	Lassiter	02/22/01
Daniel J. Sandford v. Department of Health & Human Services	00 CSE 1350	Wade	02/13/01
Victor Ferguson v. Department of Health & Human Services	00 CSE 1396	Mann	06/26/00
Tony E. Plyler v. Department of Health & Human Services	00 CSE 1447	Wade	01/12/01
Terry Isom v. Department of Health & Human Services	00 CSE 1463	Morrison	03/14/01
Teresa A. Ingraham v. Department of Health & Human Services	00 CSE 1464	Chess	12/29/00
Tommy William Carter v. Department of Health & Human Services	00 CSE 1485	Gray	01/31/01
Michael Hudson v. Department of Health & Human Services	00 CSE 1493	Wade	02/02/01
Robert M. Murray v. Department of Health & Human Services	00 CSE 1507	Lassiter	02/09/01
Misha C Mfum v. Department of Health & Human Services	00 CSE 1509	Wade	02/12/01
Kevin R. McCray v. Department of Health & Human Services	00 CSE 1525	Chess	01/30/01
Keith Everett Fick v. Department of Health & Human Services	00 CSE 1531	Lassiter	02/28/01
Jimmy Moore v. Department of Health & Human Services	00 CSE 1535	Conner	02/14/01
Stan Matthire v. Department of Health & Human Services	00 CSE 1536	Chess	01/30/01
Richard McC Carson v. Department of Health & Human Services	00 CSE 1543	Mann	01/03/01
Calvin G. Carter v. Department of Health & Human Services	00 CSE 1546	Lassiter	02/09/01
Jesse T Jefferson III v. Department of Health & Human Services	00 CSE 1553	Conner	03/14/01
Mark Andrew Cohn v. Department of Health & Human Services	00 CSE 1560	Gray	02/09/01
Savoy L. Miler v. Department of Health & Human Services	00 CSE 1571	Lassiter	01/31/01
Elmer L. Mosley v. Department of Health & Human Services	00 CSE 1581	Wade	02/02/01
David E. Allen v. Department of Health & Human Services	00 CSE 1589	Lassiter	02/09/01
David W Morris v. Department of Health & Human Services	00 CSE 1591	Wade	02/13/01
Jonathan Gregg Holland v. Department of Health & Human Services	00 CSE 1592	Conner	02/14/01
David Bass Jr v. Department of Health & Human Services	00 CSE 1595	Mann	02/13/01
Clyde Michael Trout v. Department of Health & Human Services	00 CSE 1596	Morrison	01/03/01
Sharon S. Godwin v. Department of Health & Human Services	00 CSE 1598	Morrison	02/09/01
Vincent Ackerman v. Department of Health & Human Services	00 CSE 1599	Wade	02/13/01
Micheal King v. Department of Health & Human Services	00 CSE 1600	Conner	02/22/01
Johnny Drakakides v. Department of Health & Human Services	00 CSE 1608	Morrison	02/28/01
Phyllis A King v. Department of Health & Human Services	00 CSE 1609	Lassiter	02/20/01
Bonita Ann Wilson v. Department of Health & Human Services	00 CSE 1619	Chess	02/27/01
Bernie Mayr Jr v. Department of Health & Human Services	00 CSE 1622	Morrison	01/31/01
Stephen N Powers v. Department of Health & Human Services	00 CSE 1623	Lassiter	02/20/01
Kenneth B Thomas v. Department of Health & Human Services	00 CSE 1624	Mann	02/21/01
Reginald Sanders v. Department of Health & Human Services	00 CSE 1626	Wade	02/20/01
Cleveland J Johnson v. Department of Health & Human Services	00 CSE 1628	Chess	02/27/01
Mark D Kane v. Department of Health & Human Services	00 CSE 1634	Morrison	03/13/01
Charles M Edwards v. Department of Health & Human Services	00 CSE 1635	Lassiter	02/20/01
Samuel E Ray v. Department of Health & Human Services	00 CSE 1636	Gray	03/22/01
Stephen Hiles v. Department of Health & Human Services	00 CSE 1638	Conner	02/22/01
Richard L Hannon v. Department of Health & Human Services	00 CSE 1639	Chess	03/22/01
Ricky L McCartney v. Department of Health & Human Services	00 CSE 1641	Wade	03/05/01
Timothy F Fulbright v. Department of Health & Human Services	00 CSE 1647	Morrison	02/20/01
David E Evans v. Department of Health & Human Services	00 CSE 1648	Lassiter	02/20/01
James David Johnson Jr v. Department of Health & Human Services	00 CSE 1650	Wade	02/20/01
Dale F Green v. Department of Health & Human Services	00 CSE 1651	Conner	03/14/01
Michael Dewayne Hester v. Department of Health & Human Services	00 CSE 1653	Gray	02/20/01
Mark A Pekuri v. Department of Health & Human Services	00 CSE 1658	Lassiter	02/28/01
Ronny S Marth v. Department of Health & Human Services	00 CSE 1661	Conner	03/22/01
Curtis B Blakney v. Department of Health & Human Services	00 CSE 1670	Gray	02/20/01
Richard Bourbon Jr. v. Department of Health & Human Services	00 CSE 1674	Lassiter	03/12/01
James M McCoy v. Department of Health & Human Services	00 CSE 1678	Wade	02/20/01
Michael Wilder Sr v. Department of Health & Human Services	00 CSE 1677	Conner	03/14/01
Carl R Cooper v. Department of Health & Human Services	00 CSE 1682	Lassiter	02/27/01
James Scott Lee v. Department of Health & Human Services	00 CSE 1688	Conner	02/15/01
Robert E Peterson Jr. v. Department of Health & Human Services	00 CSE 1696	Lassiter	02/27/01
William A Caudle Jr v. Department of Health & Human Services	00 CSE 1699	Conner	03/14/01
Karen R. McLean v. Department of Health & Human Services	00 CSE 1707	Gray	01/12/01
Jonathan B Frazier v. Department of Health & Human Services	00 CSE 1715	Gray	02/27/01
Daniel L. Phillips v. Department of Health & Human Services	00 CSE 1717	Morrison	01/31/01
Mauricio Lopez-Granados v. Department of Health & Human Services	00 CSE 1729	Gray	02/06/01
Emar Ifediora v. Department of Health & Human Services	00 CSE 1731	Morrison	02/27/01
John R Davis v. Department of Health & Human Services	00 CSE 1747	Conner	03/14/01
Martin W Rogers v. Department of Health & Human Services	00 CSE 1748	Wade	03/05/01
Ronald F Channell v. Department of Health & Human Services	00 CSE 1749	Conner	03/14/01
Louis William v. Department of Health & Human Services	00 CSE 1754	Lassiter	02/27/01
Robert Barry Jenkins Jr v. Department of Health & Human Services	00 CSE 1755	Gray	03/13/01
John F McCollum v. Department of Health & Human Services	00 CSE 1760	Wade	02/28/01
John B Cox v. Department of Health & Human Services	00 CSE 1766	Lassiter	02/27/01
Anthony D Hines v. Department of Health & Human Services	00 CSE 1771	Gray	02/27/01
Gary E Nielsen v. Department of Health & Human Services	00 CSE 1772	Mann	02/28/01
James Faison v. Department of Health & Human Services	00 CSE 1774	Lassiter	03/05/01
Charles Junot v. Department of Health & Human Services	00 CSE 1775	Morrison	02/27/01
Richard Cook v. Department of Health & Human Services	00 CSE 1777	Conner	03/14/01
Kenneth E Frost v. Department of Health & Human Services	00 CSE 1783	Conner	03/14/01

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George L Hart Jr. v. Department of Health & Human Services	00 CSE 1784	Morrison	02/27/01
Tammy L Galdones v. Department of Health & Human Services	00 CSE 1800	Wade	03/08/01
Tarrence U Jackson v. Department of Health & Human Services	00 CSE 1802	Conner	03/14/01
Clarence McCorkle, Jr v. Department of Health & Human Services	00 CSE 1805	Chess	02/26/01
Joseph P Bell v. Department of Health & Human Services	00 CSE 1807	Morrison	03/12/01
Clinton Wilson v. Department of Health & Human Services	00 CSE 1810	Wade	03/08/01
James F Forney Jr v. Department of Health & Human Services	00 CSE 1811	Conner	03/14/01
Rodney Foster v. Department of Health & Human Services	00 CSE 1813	Gray	03/09/01
Jimmie Lee Nesbitt v. Department of Health & Human Services	00 CSE 1814	Mann	03/21/01
James S Rollins v. Department of Health & Human Services	00 CSE 1816	Lassiter	03/12/01
Johnny Worth Deaver v. Department of Health & Human Services	00 CSE 1817	Morrison	03/13/01
Shawn T Miller v. Department of Health & Human Services	00 CSE 1818	Wade	03/08/01
Adrian Dixon v. Department of Health & Human Services	00 CSE 1820	Chess	03/19/01
Donna M Ledbetter v. Department of Health & Human Services	00 CSE 1823	Conner	03/14/01
Mark Jeffrey Duncan v. Department of Health & Human Services	00 CSE 1825	Lassiter	02/20/01
Ricky Lee Barrett v. Department of Health & Human Services	00 CSE 1827	Wade	03/08/01
Cynthia W McDaniel v. Department of Health & Human Services	00 CSE 1830	Gray	03/13/01
James T Jarvis IV v. Department of Health & Human Services	00 CSE 1832	Morrison	03/12/01
Michael O'Neal Fletcher v. Department of Health & Human Services	00 CSE 1834	Wade	03/08/01
Manargo V Boykin v. Department of Health & Human Services	00 CSE 1836	Conner	03/14/01
Dexter Leon Scott v. Department of Health & Human Services	00 CSE 1839	Chess	02/27/01
Jacqueline R Graham v. Department of Health & Human Services	00 CSE 1845	Morrison	03/12/01
Roger H Allred Jr. v. Department of Health & Human Services	00 CSE 1848	Wade	03/08/01
David M Greene v. Department of Health & Human Services	00 CSE 1852	Morrison	03/12/01
Michael T Wilfong v. Department of Health & Human Services	00 CSE 1854	Lassiter	03/12/01
Bobby Grady v. Department of Health & Human Services	00 CSE 1856	Conner	03/14/01
Richard H Burkett v. Department of Health & Human Services	00 CSE 1864	Morrison	03/12/01
Terry L Barnette v. Department of Health & Human Services	00 CSE 1874	Gray	03/06/01
Benton P Welsh v. Department of Health & Human Services	00 CSE 1887	Wade	03/15/01
Kenney Curry v. Department of Health & Human Services	00 CSE 1888	Conner	03/21/01
Clarence McCorkle Jr v. Department of Health & Human Services	00 CSE 1890	Gray	03/15/01
William D Wall v. Department of Health & Human Services	00 CSE 1891	Mann	03/22/01
Cortez L Farrington v. Department of Health & Human Services	00 CSE 1892	Morrison	03/14/01
Lonnie Mathwig v. Department of Health & Human Services	00 CSE 1893	Lassiter	02/28/01
Carl Miller v. Department of Health & Human Services	00 CSE 1894	Morrison	01/31/01
Johnny Sellars v. Department of Health & Human Services	00 CSE 1895	Wade	03/15/01
Cuong Phu Le v. Department of Health & Human Services	00 CSE 1896	Conner	03/21/01
Stephen Budensiek v. Department of Health & Human Services	00 CSE 1898	Gray	03/15/01
Victor S Glass v. Department of Health & Human Services	00 CSE 1902	Morrison	02/28/01
James E Smith v. Department of Health & Human Services	00 CSE 1905	Wade	03/15/01
Isaac L McCoy v. Department of Health & Human Services	00 CSE 1906	Conner	03/21/01
Dan L Puryear v. Department of Health & Human Services	00 CSE 1908	Gray	03/15/01
Ray A Blackwell v. Department of Health & Human Services	00 CSE 1914	Wade	03/15/01
Jeremy F White v. Department of Health & Human Services	00 CSE 1916	Conner	03/21/01
Douglas C Fitzpatrick v. Department of Health & Human Services	00 CSE 1924	Mann	03/22/01
Johnny R Chance v. Department of Health & Human Services	00 CSE 1925	Wade	03/05/01
Jeffrey Kelly v. Department of Health & Human Services	00 CSE 1926	Conner	03/14/01
Martin Scott Evans v. Department of Health & Human Services	00 CSE 1932	Morrison	03/14/01
Israel Uzoma v. Department of Health & Human Services	00 CSE 1933	Morrison	03/14/01
Robin Ramsey Parrott v. Department of Health & Human Services	00 CSE 1935	Conner	03/21/01
Roy Bethel Calhoun III v. Department of Health & Human Services	00 CSE 1939	Wade	03/15/01
Clint Norris Jones v. Department of Health & Human Services	00 CSE 1944	Morrison	03/14/01
Tracy Clark v. Department of Health & Human Services	00 CSE 1961	Conner	03/23/01
Derwin Knight v. Department of Health & Human Services	00 CSE 1962	Chess	03/15/01
Robert L Harrell v. Department of Health & Human Services	00 CSE 1963	Gray	03/15/01
Sherrie Weaver v. Department of Health & Human Services	00 CSE 1964	Mann	03/22/01
Andrea Wilson v. Department of Health & Human Services	00 CSE 1966	Lassiter	03/12/01
Anthony Short v. Department of Health & Human Services	00 CSE 1968	Wade	03/22/01
Everett McClain Jr v. Department of Health & Human Services	00 CSE 1979	Gray	03/09/01
Rodney Glenn Whicker v. Department of Health & Human Services	00 CSE 1981	Morrison	03/14/01
Joseph J McDowell v. Department of Health & Human Services	00 CSE 1982	Lassiter	02/20/01
Ricky N Coley v. Department of Health & Human Services	00 CSE 1985	Conner	03/21/01
Steven G Williams v. Department of Health & Human Services	00 CSE 1989	Morrison	03/14/01
Terrance Thompson v. Department of Health & Human Services	00 CSE 1991	Mann	03/22/01
Patrick Kevin Swann v. Department of Health & Human Services	00 CSE 1992	Wade	03/15/01
James A Bowditch Sr v. Department of Health & Human Services	00 CSE 1993	Conner	03/14/01
Roger D Mintz v. Department of Health & Human Services	00 CSE 1997	Morrison	01/31/01
Eugene Harris v. Department of Health & Human Services	00 CSE 1998	Lassiter	03/21/01
Jimmy Clark v. Department of Health & Human Services	00 CSE 1999	Conner	02/14/01
Nancy Sells v. Department of Health & Human Services	00 CSE 2001	Conner	02/14/01
Jeffery A Maness v. Department of Health & Human Services	00 CSE 2003	Gray	02/28/01
Jerry L Jones v. Department of Health & Human Services	00 CSE 2005	Morrison	03/14/01
Kenneth D Abner v. Department of Health & Human Services	00 CSE 2008	Conner	03/22/01
Robert W MacDonald Sr. v. Department of Health & Human Services	00 CSE 2015	Wade	03/05/01
Norman Lee Fillers v. Department of Health & Human Services	00 CSE 2016	Conner	02/14/01
Gerald H Lord v. Department of Health & Human Services	00 CSE 2018	Gray	03/15/01
Daniel H Caudill v. Department of Health & Human Services	00 CSE 2022	Chess	03/21/01
William R Payne v. Department of Health & Human Services	00 CSE 2023	Wade	03/15/01
Jimmy D White v. Department of Health & Human Services	00 CSE 2026	Gray	03/22/01
Shawn E Richardson v. Department of Health & Human Services	00 CSE 2027	Mann	03/22/01
Franklin Givens v. Department of Health & Human Services	00 CSE 2028	Morrison	03/14/01
Myron S Pierce v. Department of Health & Human Services	00 CSE 2029	Lassiter	03/21/01

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Terrence Dunlap v. Department of Health & Human Services	00 CSE 2030	Gray	03/21/01	
Allen E Clyburn v. Department of Health & Human Services	00 CSE 2032	Chess	03/13/01	
Sheila C Horne v. Department of Health & Human Services	00 CSE 2033	Wade	03/22/01	
Shawn Braxton v. Department of Health & Human Services	00 CSE 2044	Gray	03/15/01	
Derrick L Pope v. Department of Health & Human Services	00 CSE 2045	Conner	03/14/01	
William Everett Banks Jr v. Department of Health & Human Services	00 CSE 2049	Morrison	03/14/01	
Philip Ligatti v. Department of Health & Human Services	00 CSE 2058	Lassiter	02/20/01	
Philip Ligatti v. Department of Health & Human Services	00 CSE 2059	Wade	02/20/01	
Crystal Anne Barton v. Department of Health & Human Services	00 CSE 2064	Morrison	02/27/01	
Chris Alexander King v. Department of Health & Human Services	00 CSE 2066	Wade	03/13/01	
Marko D Perry v. Department of Health & Human Services	00 CSE 2067	Wade	03/22/01	
James Thomas Smith v. Department of Health & Human Services	00 CSE 2068	Conner	03/23/01	
Melvin T Green v. Department of Health & Human Services	00 CSE 2069	Chess	03/21/01	
Dwayne Scott Barlow v. Department of Health & Human Services	00 CSE 2070	Gray	03/06/01	
Harold D Overby Jr v. Department of Health & Human Services	00 CSE 2074	Morrison	02/20/01	
Hamid Ehsani-Shishvan v. Department of Health & Human Services	00 CSE 2076	Mann	03/22/01	
Jasper L Goodwin v. Department of Health & Human Services	00 CSE 2083	Gray	03/21/01	
Alfredo Gomez v. Department of Health & Human Services	00 CSE 2092	Morrison	03/21/01	
Jason A Kneppshield v. Department of Health & Human Services	00 CSE 2093	Lassiter	03/26/01	
Joseph L Sykes v. Department of Health & Human Services	00 CSE 2095	Conner	03/22/01	
Michael R Sweat v. Department of Health & Human Services	00 CSE 2097	Conner	03/14/01	
Russell L Brown v. Department of Health & Human Services	00 CSE 2105	Lassiter	03/21/01	
Henry Johnson v. Department of Health & Human Services	00 CSE 2106	Gray	03/21/01	
Victor L Foster Sr v. Department of Health & Human Services	00 CSE 2110	Morrison	03/05/01	
Kimberly Sue Nance v. Department of Health & Human Services	00 CSE 2111	Lassiter	03/21/01	
Jonathan P Deese v. Department of Health & Human Services	00 CSE 2112	Wade	02/02/01	
Christopher B Thompson v. Department of Health & Human Services	00 CSE 2123	Mann	03/22/01	
Fredrick Gilmore v. Department of Health & Human Services	00 CSE 2124 <sup>10</sup>	Morrison	03/21/01	
Dwayne Scott Barlow v. Department of Health & Human Services	00 CSE 2131	Wade	03/05/01	
Randy L Galloway v. Department of Health & Human Services	00 CSE 2132	Conner	03/22/01	
Anita Davis v. Department of Health & Human Services	00 CSE 2145	Lassiter	02/27/01	
Nathaniel Armstrong v. Department of Health & Human Services	00 CSE 2150	Gray	02/27/01	
Boulware, Rodney Durand v. Department of Health & Human Services	00 CSE 2154	Wade	03/13/01	
Keith V Cunningham v. Department of Health & Human Services	00 CSE 2161	Gray	02/20/01	
Derrick Link v. Department of Health & Human Services	00 CSE 2166	Mann	03/13/01	
Christopher Scott v. Department of Health & Human Services	00 CSE 2182	Morrison	03/05/01	
Charles Arthur Neal IV v. Department of Health & Human Services	00 CSE 2272	Conner	03/22/01	
Courtney Brown v. Department of Health & Human Services	01 CSE 0059	Lassiter	03/05/01	
<b>Division of Social Services</b>				
Mary Laforet v. Department of Health & Human Services	99 DCS 0372	Lassiter	01/12/01	
Emma Burkes (Edwards) v. Department of Health & Human Services	00 DCS 1221	Morrison	08/17/00	
Frederica LaShon Smith v. Department of Health & Human Services	00 DCS 0277 <sup>1</sup>	Wade	06/30/00	
Michael Clay Mitchell v. Department of Health & Human Services	00 DCS 0300	Wade	06/30/00	
Sherry Moorefield v. Department of Health & Human Services	00 DCS 0350	Gray	08/25/00	
Pamela Browning Frazier v. Department of Health & Human Services	00 DCS 0479	Lassiter	06/12/00	
Lisa Lawler v. Department of Health & Human Services	00 DCS 0529	Morrison	08/29/00	
May M. Timmons v. Department of Health & Human Services	00 DCS 0546	Gray	06/22/00	
Starice Jennifer Anderson v. Department of Health & Human Services	00 DCS 0556	Gray	08/10/00	
Beverly Hawking v. Department of Health & Human Services	00 DCS 0600	Mann	06/30/00	
Lisa Hardy v. Department of Health & Human Services	00 DCS 0678	Mann	07/17/00	
Chasity Pipkin v. Department of Health & Human Services	00 DCS 0838	Gray	09/11/00	
Joyce Staley v. Department of Health & Human Services	00 DCS 0842	Conner	09/12/00	
Bessie B. Hampton v. Department of Health & Human Services	00 DCS 0845	Morrison	08/29/00	
Beverly Singleton v. Department of Health & Human Services	00 DCS 0846	Lassiter	08/18/00	
Kerry Lynn Morgan v. Department of Health & Human Services	00 DCS 0850	Conner	09/12/00	
Bonnie D. Drew v. Department of Health & Human Services	00 DCS 0906	Morrison	08/28/00	
Amy W. Hill v. Department of Health & Human Services	00 DCS 0974	Lassiter	09/08/00	
Amelia B. Bradshaw v. Department of Health & Human Services	00 DCS 0996	Mann	09/13/00	
Deborah Gray v. Department of Health & Human Services	00 DCS 1068	Morrison	09/19/00	
Kimberly D. Mays v. Department of Health & Human Services	00 DCS 1099	Gray	10/27/00	
Jennifer C. Dillard v. Department of Health & Human Services	00 DCS 1119	Wade	09/29/00	
Johnny K. Moore v. Department of Health & Human Services	00 DCS 1179	Morrison	10/04/00	
Latisha Eason Parker v. Department of Health & Human Services	00 DCS 1195	Wade	10/31/00	
Jannai Neal v. Department of Health & Human Services	00 DCS 1227	Conner	10/24/00	
Sheila Foy v. Department of Health & Human Services	00 DCS 1238	Gray	10/27/00	
Reta M. Dixon v. Department of Health & Human Services	00 DCS 1381	Conner	12/04/00	
Benita Hopkins v. Department of Health & Human Services	00 DCS 1444	Lassiter	12/18/00	
Mary Springer v. Department of Health & Human Services	00 DCS 1459	Conner	12/20/00	
Tameca Grant v. Department of Health & Human Services	00 DCS 1533	Wade	01/12/01	
Della T Austin for Christopher Moore v. Dept. of Health & Human Svcs.	00 DCS 1740	Lassiter	01/31/01	
Michael Anthony Bowden v. Department of Health & Human Services	00 DCS 2050	Lassiter	01/31/01	
Sanja S Whittington v. Department of Health & Human Services	00 DCS 2084	Morrison	02/12/01	
Fredrick Gilmore v. Department of Health & Human Services	00 DCS 2126 <sup>10</sup>	Morrison	03/21/01	
Albemarle Mental Health Center, Developmental Disabilities: Substance Abuse Services v. NC Dept. of Health & Human Services, Division of Medical Assistance and NC Council of Community Mental Health, Developmental Disabilities and Substance Abuse Programs, Inc.	98 DHR 1598	Reilly	12/15/00	15:15 NCR 1440
Estelle Roberta Allison Teague and Marlene Allison Creary v. Department of Health & Human Services	99 DHR 0120	Reilly	05/15/00	

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Philistine Thompson v. Department of Health & Human Services	99 DHR 0741	Gray	08/22/00	
Ruth I. Johnson v. Department of Health & Human Services	99 DHR 0952	Chess	05/27/00	
Lakecher McFadden v. Department of Health & Human Services	99 DHR 1631	Conner	09/18/00	
Carrie Jenkins, by and through her Guardian, John Jenkins v. NC Dept. of Health & Human Services	00 DHR 0119	Wade	02/14/01	
Mary Johnson McClure v. Department of Health & Human Services	00 DHR 0368	Lassiter	06/19/00	
Barry Arthur Kelly, Linda Snipes Kelley v. Department of Health and Human Services	00 DHR 0038	Gray	09/15/00	
Vonda Scales Shore v. Department of Health & Human Services	00 DHR 0500	Lassiter	10/06/00	
Ann Marie & Daniel Short v. Department of Health & Human Services	00 DHR 0574	Reilly	05/22/00	
Lynell Holley Walton v. DHHS, (Health Care Personnel Registry & Investigations)	00 DHR 0605	Chess	08/15/00	
Deborah A. Shands v. Butner Adolescent Treatment Center	00 DHR 0695	Mann	07/27/00	
Larry E. Cummins MD, PI Case #1999-1752 v. Div. of Medical Assistance, Kim Meymandi, Chief Hearing Officer	00 DHR 0797	Lassiter	08/01/00	
Larry E. Cummins MD, PI Case #1999-1117 v. Div. of Medical Assistance, Kim Meymandi, Chief Hearing Officer	00 DHR 0798	Lassiter	08/01/00	
Lenora M Brewer v Office of Administrative	00 DHR 0943	Conner	03/01/01	
Robert and Shirley Harmon on behalf of Gary Harmon v. Crossroads Behavioral Healthcare Center and the NC Div of Mental Health, Dev. Disabilities and Substance Abuse Services	00 DHR 0955	Chess	09/07/00	
Walter W. Griswold for Kimberly Griswold v. Crossroads Behavioral Healthcare Center and the NC Div of Mental Health, Dev. Disabilities and Substance Abuse Services	00 DHR 1025	Chess	09/07/00	
Janie Best v DHHS, NC Medial Examiner's Office	00 DHR 1029	Mann	02/20/01	
Carolyn W. Cooper and Happy Days Child Care v. DHHS, Div of Child Development	00 DHR 1031	Gray	08/31/00	
Mildred Willis v. Avante of Wilson, NC Dept of Health & Human Services	00 DHR 1310	Conner	02/16/01	
Iola Jones v. NC Department of Human Resources	00 DHR 1320	Morrison	02/23/01	
Larnetra D. Noel v. NC Department of Human Services	00 DHR 1327	Chess	10/06/00	
Chawona Lynn Emanuel v. Department of Health & Human Services	00 DHR 1360	Gray	01/31/01	
Lee T. Wilson v. NC DHHS, Office of the Controller	00 DHR 1371 <sup>6</sup>	Gray	01/09/01	
Tracy McLeod v. First Health Richmond Cty Home Health, DHR -DOFS	00 DHR 1382	Gray	11/21/00	
Lee T. Wilson v. NC DHHS, Office of the Controller	00 DHR 1383 <sup>6</sup>	Gray	01/09/01	
Penny Jean Leary for Hyailey Okanoto v. Div. of Medical Assistance	00 DHR 1400	Gray	01/11/01	
Sylvia Davis v. Homeplace of Burlington Nurse Aide Registry	00 DHR 1488	Mann	02/26/01	
Reshea Devon Pierce v. Department of Health & Human Services	00 DHR 1516	Morrison	12/18/00	
William C Wetmore v. DHHS, Health Care Personnel Registry Instvngns.	00 DHR 1744	Mann	02/08/01	
Barbara Hayes v. Sampson Co Dept of Social Services, Sarah W. Bradshaw, Director & NC DHHS	00 DHR 2040	Gray	02/21/01	
Beatrice Harper v. NC Human & Health Services	00 DHR 2048	Gray	02/06/01	
Melissa M. Hale v. State of NC Office of Administrative Hearings	00 DHR 2077	Chess	01/26/01	
James Crosland and wife, Carolyn Crosland v. Polk County Dept. of Social Services	00 DHR 2130	Gray	01/04/01	
Brandi Joanna Padgett v. NC Department of Human Resources	00 DHR 2277	Gray	02/26/01	
<b>Division of Facility Services</b>				
Angela Denise Headen v. DHHS, Division of Facility Services	99 DHR 0107	Wade	04/11/00	15:01 NCR 41
Ruth Mae Wiley v. NC DHHS, Division of Facility Services	99 DHR 0331	Chess	05/27/00	
Elyse Glover v. DHHS, Div of Facility Svcs., Personnel Registry Case	99 DHR 1036	Lassiter	06/29/00	
Sharon J. Saxe v. DHHS, Division of Facility Services	99 DHR 1169	Lassiter	11/16/00	15:14 NCR 1396
Crystal Sherman Byers v. DHHS, Division of Facility Services	00 DHR 0217	Mann	06/07/00	
Rhonda Gail Andrew v. DHHS, Division of Facility Services	00 DHR 0282	Chess	09/21/00	
Camille Faustin v. DHHS, Division of Facility Services	00 DHR 0298	Smith	06/28/00	
David Jordan v. DHHS, Division of Facility Services	00 DHR 0311	Lassiter	06/19/00	
Nancy Yarbrough Allen v. DHHS, Division of Facility Services	00 DHR 0356	Gray	06/23/00	
Greensboro Heart Center, LLC v. NC DHHS, Division of Facility Services, Certificate of Need Section & The Moses H. Cone Memorial Hospital & The Moses H. Cone Memorial Hospital Operating Corporation	00 DHR 0375	Lassiter	12/19/00	
Lester Lee Huskins v. DHHS, Division of Facility Services	00 DHR 0391	Lassiter	08/29/00	
Charlene Jenkins v. DHHS, Div. of Facility Svcs., Health Care Personnel, Registry Section	00 DHR 0531	Wade	11/27/00	
Helen Ramsey v. DHHS, Division of Facility Services	00 DHR 0578	Conner	01/29/01	
Cynthia Renee Cajuste v. DHHS, Division of Facility Services	00 DHR 0606	Morrison	11/08/00	
Celestine L. Bristel v. DHHS, Division of Facility Services	00 DHR 0636	Lassiter	08/15/00	
Anthony Alan Bennett v DHHS, Division of Facility Services	00 DHR 0664	Conner	03/06/01	
Violet Anne Berliner v. DHHS, Division of Facility Services	00 DHR 0685	Gray	11/17/00	
MariaGoretti Aduago Obialor v. DHHS, Div. of Facility Services	00 DHR 0743	Morrison	08/31/00	
Charlotte A Withers v. DHHS, Division of Facility Services	00 DHR 0754 <sup>11</sup>	Gray	03/15/01	
Huelva Dale Corbett v. DHHS, Div. of Facility Services	00 DHS 0780	Gray	09/27/00	
Phoebe Visconti Sanders v. DHHS, Div. of Facility Services	00 DHR 0802	Lassiter	09/27/00	
Iola Cook Jefferson v. DHHS, Division of Facility Services	00 DHR 0835	Lassiter	07/24/00	
Michelle E. Lee v. DHHS, Division of Facility Services	00 DHR 0869	Conner	10/10/00	15:10 NCR 1045
Betty Jean Ellis v. DHHS, Division of Facility Services	00 DHR 0880	Lassiter	09/08/00	
Faleisha Cassandra Worsley v. DHHS, Division of Facility Services	00 DHR 1013	Chess	02/22/01	
Hartis Stallings v. DHHS, Division of Facility Services	00 DHR 1037	Lassiter	08/29/00	
Desiree P. Garay v. DHHS, Division of Facility Services	00 DHR 1038	Conner	09/20/00	
Lauren Hoodenpyle v. DHHS Division of Facility Services	00 DHR 1045	Chess	09/12/00	
Jacqueline Alexander v. DHHS, Division of Facility Services	00 DHR 1126	Lassiter	09/07/00	
Charlotte A Withers v. DHHS, Division of Facility Services	00 DHR 1127 <sup>11</sup>	Gray	03/15/01	
Debra Brown v. DHHS, Division of Facility Services	00 DHR 1136	Lassiter	09/07/00	
Tracy Smith v. DHHS, Division of Facility Services	00 DHR 1236	Lassiter	10/16/00	

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Michele Carver v. DHHS, Div. of Facility Services, Health Care Personnel Registry	00 DHR 1289	Lassiter	10/05/00		
Sherie Moran Hinson Edwards v. DHHS, Division of Facility Services	00 DHR 1299	Morrison	12/18/00		
Mary Carmon Williams v. DHHS, Division of Facility Services	00 DHR 1308	Conner	02/01/01		
Ruby L. Laughter v. DHHS, Division of Facility Services	00 DHR 1346	Lassiter	01/31/01		
Lakiya S Mewborn v. DHHS, Division of Facility Services	00 DHR 1437	Gray	02/19/01		
Jonathan L. Merrell & Judith A. Merrell, and Eyring Realty, Inc. v. DHHS, Division of Facility Services & S & R Healthcare, Inc.	00 DHR 1461	Mann	01/31/01		
Ms Erman M Patterson v. DHHS, Division of Facility Services	00 DHR 1465	Gray	02/16/01		
Elois Little v. DHHS, Division of Facility Services	00 DHR 1790	Morrison	02/15/01		
Janet Stephens v. DHHS, Division of Facility Services	01 DHR 0008	Mann	02/08/01		
Octavia L Hill v. WisperPines Nursing Home of Fayetteville and DHHS, Division of Facility Services	01 DHR 0009	Mann	02/08/01		
<b>DEPARTMENT OF AGRICULTURE</b>					
Norman Dudgeon dba Mountain Vista Growers v. NC Department of Agriculture	00 DAG 0676	Gray	02/16/01		
<b>ENVIRONMENT AND NATURAL RESOURCES</b>					
Ronnie L. Sturdivant v. Dept. of Environment & Natural Resources	98 EHR 1222	Lassiter	05/11/00	15:04 NCR	501
Dan M. Eichenbaum v. DENR & Harrison Construction Division of APAC-Tennessee, Inc.	99 EHR 0191	Lassiter	11/21/00		
Dixie Lumber Company of Cherryville, Inc. v. Department of Environment & Natural Resources	99 EHR 0395	Wade	05/04/00		
Thomas Tilley, Trustee v. Dept. of Environment & Natural Resources	99 EHR 1136 <sup>7</sup>	Lassiter	01/01/00		
Shuttle Cleaning Service, Inc., Phillip Allen (Owner) v. Dept. of Environment & Natural Resources	99 EHR 1167	Reilly	05/19/00	15:06 NCR	696
Murphy Family Farms v. Department of Environment & Natural Resources	99 EHR 1181	Gray	08/14/00		
Sarah Robbins Collins v. Dept. of Environment & Natural Resources	99 EHR 1265	Wade	11/28/00		
William A. Weston, Jr. v. Dept. of Environment & Natural Resources	99 EHR 1538	Conner	05/24/00	15:03 NCR	343
William F. McBrayer, Jr. v. Dept. of Environment & Natural Resources	99 EHR 1566	Wade	08/21/00		
Howard L. Hardy, Kenneth & Vester Freeman v. Department of Environment & Natural Resources	99 EHR 1600	Gray	08/31/00		
Thomas Tilley, Trustee v. Dept. of Environment & Natural Resources	99 EHR 1627 <sup>7</sup>	Lassiter	01/01/00		
Gregory Marc Edwards v. Department of Environment & Natural Resources	99 EHR 1635	Wade	09/29/00		
Leonard F. Sutton v. Division of Forest Resources	00 EHR 0072	Morrison	12/18/00	15:15 NCR	1435
David Sinclair v. Dept. of Environment & Natural Resources	00 EHR 0126	Conner	08/15/00	15:06 NCR	693
Jerry D. Phillips v. Department of Environment & Natural Resources	00 EHR 0151	Chess	09/28/00		
Samuel A. Perrella v. Div. of Environmental Health, New Bern, NC	00 EHR 0219	Gray	11/16/01		
Amos Walter Jackson v. Dept. of Environment & Natural Resources	00 EHR 0568	Gray	09/22/00		
Archie D. Fellenzer, Jr. v. CAMA	00 EHR 0836	Morrison	11/03/00		
Turnbull Company LLC v. NC Dept of Environment & Natural Resources	00 EHR 0881	Wade	02/02/01		
Carolina Mountain Construction, Inc. v. Dept. of Env. & Natural Resources	00 EHR 0902	Chess	09/07/00		
Dudley A. Dawson v. NC DENR, (Person County Health Department)	00 EHR 0920	Lassiter	02/15/01		
Peter Pallas v. New Hanover County Board of Health	00 EHR 1149	Chess	10/19/00		
Jerry J. Fowler v. Department of Environment & Natural Resources	00 EHR 1154	Chess	10/27/00		
William A. Sergeant Lot 9 v. Dept. of Environment & Natural Resources	00 EHR 1210	Gray	12/12/00		
Scotty's Mobile Village, Larry G. Scott v. Dept. of Env. & Natural Resources	00 EHR 1266	Morrison	12/12/00		
Arland Community Development v. Dept. of Env. & Natural Resources	00 EHR 1300	Mann	03/08/01		
Randy Graham v. Environmental Health of Alamance County	00 EHR 1393	Gray	12/29/00		
Chris & Senja Shumater v. Dept. of Environment & Natural Resources	00 EHR 1584	Morrison	12/18/00		
Lisa King v. Brunswick County Health Department	00 EHR 1778	Lassiter	01/19/01		
Robert H. Bilbro v. DENR/Division of Coastal Management	00 EHR 1843	Chess	01/19/01		
Levi Moore, Jr. v. Brunswick County Health Department	00 EHR 1883	Lassiter	02/13/01		
Kelly Jones v. Office of Administrative Hearings	01 EHR 0007	Chess	02/22/01		
<b>Coastal Resources Commission</b>					
Gregory A. Bohmert v. Coastal Resources Commission	99 EHR 1438	Reilly	05/24/00	15:03 NCR	342
<b>Division of Air Quality</b>					
Bullock Properties/Ralph M. Bullock v. DENR, Div. of Air Quality	99 EHR 1088	Morrison	04/12/00		
VXIII Airborne Corps & Fort Bragg, Dept. of the Army, USA v. State of North Carolina, Dept. of Environment and Natural Resources, Division of Air Quality	00 EHR 0227	Conner	08/31/00		
MW Clearing and Grading, Inc. v. DENR, Div. of Air Quality	00 EHR 0286	Wade	11/28/00		
Billy V. Cain v. NC DENR, Division of Air Quality	00 EHR 1351	Lassiter	01/11/01		
<b>Division of Land Resources</b>					
James Carlis Reavis and Melinda D. Reavis v. NC DENR, Division of Land Resources	98 EHR 1292	Gray	10/16/00		
<b>Division of Water Quality</b>					
Fred J. McPherson v. DENR, Division of Water Quality	00 EHR 0160	Morrison	09/01/00		
Town of Wallace v. NCDENR, Division of Water Quality	00 EHR 0247	Lassiter	10/05/00		
Frederick Holland, Hervie S. Honeycut, and Mary Jane P. Osborne v. NCDENR, Division of Water Quality	00 EHR 0332	Conner	09/18/00		
John P. Hendrix v. NC DENR, Div. of Water Quality	00 EHR 0966	Wade	03/09/01		
Johnny Barrier, Jonas Ridge Nursing Home v. NC DENR, Division of Water Quality	00 EHR 2155	Conner	02/26/01		
<b>Division of Waste Management</b>					
A. J. Lancaster, Jr. v. NC DENR, Div. of Waste Management	99 EHR 0994	Mann	07/27/00	15:05 NCR	636

**CONTESTED CASE DECISIONS**

**JUSTICE**

**Alarm Systems Licensing Board**

John Martin Canter v. Alarm Systems Licensing Board	00 DOJ 0573	Gray	06/02/00	
Kenneth Waits Putnam v. Alarm Systems Licensing Board	00 DOJ 0574	Gray	06/07/00	
James Thomas Wagg v. Alarm Systems Licensing Board	00 DOJ 1124	Lassiter	11/02/00	
Edwin Moore Stevens v. Alarm Systems Licensing Board	00 DOJ 1413	Lassiter	11/02/00	
Brain Craig Glass v. Alarm Systems Licensing Board	00 DOJ 2053	Gray	02/09/01	
Jody Durell Stancil v. Alarm Systems Licensing Board	00 DOJ 2054	Conner	02/22/01	
James Eric Rollings v. Alarm Systems Licensing Board	01 DOJ 0014	Mann	03/15/01	

**Education and Training Standards Division**

Peter A. Davis v. Sheriffs' Education & Training Standards Comm.	99 DOJ 0531	Reilly	09/14/00	
James Everett Hill v. Sheriffs' Education & Training Standards Comm.	99 DOJ 1479	Reilly	04/10/00	
Juan Montez Jones v. N.C. Criminal Justice Education & Training Standards Commission	99 DOJ 1716	Conner	07/05/00	
Larry G. McClain v. Sherriffs' Education & Training Standards Comm.	99 DOJ 1721	Morrison	06/28/00	
Ersal Overton, III v. Sherriffs' Education & Training Standards Comm.	99 DOJ 0791	Mann	08/23/00	15:08 NCR 883
Keith Allen Murchison v. Sheriffs' Education & Training Stds Comm.	00 DOJ 0006	Lassiter	06/26/00	
Margaret A. Singleton v. Sheriffs' Education & Training Stds. Comm.	00 DOJ 0056	Gray	03/01/00	
William H. Norton, III v. NC Sheriffs' Educ. & Training Stds. Comm.	00 DOJ 0563	Gray	09/19/00	
Larry Kevin Dean v. NC Criminal Justice Education & Training Standards Commission	00 DOJ 0610	Wade	02/06/01	
Pierre Deberry Debnam v. NC Criminal Justice Education and Training Standards Commission	00 DOJ 0719	Morrison	08/15/00	
Herbert Wilson Stubbs v. NC Criminal Justice Ed. & Training Stds. Comm.	00 DOJ 0907	Lassiter	11/02/00	
Andrew Newsom v. Sheriffs' Education & Training Standards Comm.	00 DOJ 0909	Conner	03/05/01	
Gary J Watts v. Sheriffs' Education & Training Standards Commission	00 DOJ 0910	Lassiter	03/02/01	
Charles L. Garner, Jr. v. NC Criminal Justice Ed. & Training Stds. Comm.	00 DOJ 0993	Morrison	01/05/01	
James Edward Ellerbe v. Sheriffs' Education & Training Stds. Comm.	00 DOJ 0948	Lassiter	07/31/00	
Dexter Dwayne Boyd v. Criminal Justice Education & Training Standards Commission	00 DOJ 1366	Lassiter	05/26/00	
William J. Sciacca v. Sheriffs' Education & Training Stds. Comm	00 DOJ 1555	Mann	01/17/01	
Rosamel T. Gresham v. Sherriffs' Education & Training Standards Comm.	00 DOJ 1557	Lassiter	12/20/00	

**Private Protective Services Board**

Leisa M Roberts v. Private Protective Services Board	99 DOJ 0112	Conner	02/14/01	
Charles A. Joyce and Carolina Security Patrol, Inc. v. Private Protective Services Board	00 DOJ 0004	Conner	08/14/00	
George Thomas Bond v. Private Protective Services	00 DOJ 0014	Conner	05/11/00	
Robert V. Croom and Robert V. Wooster v. Private Protective Services Board	00 DOJ 0058	Morrison	05/16/00	
Sharon Blackstock v. Private Protective Services Board	00 DOJ 0059	Morrison	05/16/00	
Samuel G. Slater v. Private Protective Services Board	00 DOJ 0090	Morrison	05/12/00	
Keith Lewis v. Private Protective Services Board	00 DOJ 0113	Connor	06/07/00	
Tammy Goforth Nichols v. Private Protective Services Board	00 DOJ 2051	Gray	02/09/01	
John W. Fromm v. Private Protective Services Board	00 DOJ 0570	Conner	06/07/00	
Jason Stewart Duckett v. Private Protective Services Board	00 DOJ 0572	Gray	06/07/00	
Shannon Ray Nance v. Private Protective Services Board	00 DOJ 0609	Gray	06/07/00	
Franklin Delano Gann, Jr. v. Private Protective Services Board	00 DOJ 0670	Morrison	06/15/00	
William Junior Holmes v. Private Protective Services Board	00 DOJ 0671	Morrison	06/15/00	
Michael Burt v. Private Protective Services Board	00 DOJ 0672	Morrison	06/15/00	
Jason William Kane v. Private Protective Services Board	00 DOJ 0952	Wade	09/08/00	
Anthony Queen Williams v. Private Protective Services Board	00 DOJ 1005	Morrison	09/01/00	
Calvin Earl McRae v. Private Protective Services Board	00 DOJ 0736	Morrison	08/02/00	
Richard Asiedu v. Private Protective Services Board	01 DOJ 0012	Gray	02/07/01	
David Heath Manring v. Private Protective Services Board	01 DOJ 0127	Mann	03/09/01	

**PUBLIC INSTRUCTION**

Doris G. Branch v. NC Department of Public Instructions	98 EDC 0368	Gray	10/08/00	15:13 NCR 1233
Stacia R. Parker v. Charlotte-Mecklenburg Board of Education	99 EDC 0389	Gray	08/23/00	
Charlie Lee Richardson v. Department of Public Instruction	99 EDC 0788	Reilly	04/11/00	15:01 NCR 45
Dale Y. Farmer v. Department of Public Instruction	00 EDC 0373	Gray	05/26/00	
Cumberland County Board of Education v. Mr. and Mrs. Wesley Waters for Weston Harold Waters	00 EDC 0465	Wade	08/11/00	
Kings Mountain Board of Education, Larry Allen, Melony Bolin, Ronald Hawkins, Shearra Miller, Stella Putnam, Joanne Cole, Otis Cole, Charlie Smith, Frank Smith, and Angela Smith v. NC State Board of Education and Cleveland County Board of Commissioners	00 EDC 0800	Morrison	06/26/00	15:04 NCR 492
Ray N. Anderson v. NC Department of Public Instruction	00 EDC 1226	Gray	03/16/01	
James William Stockstill v. Orange County Board of Education, Orange County Schools and Randy Bridges	00 EDC 1261	Conner	09/28/00	
Christopher Paul Thompson v. Polk County School System	00 EDC 1291	Conner	12/28/00	

**DEPARTMENT OF INSURANCE**

Jacquelyn Hastings v. NC Teachers & State Employees' Comprehensive Major Medical Plan	98 INS 1662	Gray	05/25/00	
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**DEPARTMENT OF LABOR**

Secret Spot Surf Shop, Inc. v. NC Department of Labor	00 DOL 1213	Gray	03/26/01	
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**CONTESTED CASE DECISIONS**

**MISCELLANEOUS**

Nancy York Vorys v. Raleigh Police Department	00 MIS 1436	Gray	10/27/00
Shane C. Balance v. Watauga County District Attorney and Watauga County Superior Court	00 MIS 1685	Mann	01/31/01

**STATE PERSONNEL**

Denise M. Ashe v. Northampton County Board of Commissioners, Northampton County Board of Social Services, Northampton County Department of Social Services	95 OSP 1011	Gray	08/29/00	
Sheila Harris	96 OSP 0686	Mann	02/12/01	
Michele Smith v. Cumberland Co. Dept. of Social Services	97 OSP 1344	Morgan	07/11/00	
Roosevelt Wilkerson, Jr. v. NC Department of Correction	98 OSP 1198 <sup>8</sup>	Gray	01/30/01	
Marshe Morgan v. Black Mount Center, NC DHHS	98 OSP 1302	Gray	07/11/00	15:05 NCR 624
Pat Hovis v. Lincoln County Department of Social Services	98 OSP 1348	Conner	11/15/00	
Roosevelt Wilkerson, Jr. v. NC Department of Correction	99 OSP 0084 <sup>8</sup>	Gray	01/30/01	
Larry Wellman v. Department of Health & Human Services	99 OSP 0484	Reilly	05/11/00	15:01 NCR 47
Betty R. Holman v. Broughton Hospital	99 OSP 0580	Hunter	05/08/00	
Doris A. Archibald v. Dare County Health Department	99 OSP 0622	Gray	08/10/00	
Mack Reid Merrill v. NC Department of Correction	99 OSP 0627	Wade	08/23/00	15:07 NCR 772
Russell J. Suga v. Employment Security Commission of NC	99 OSP 0768	Gray	06/23/00	
Glenn Roger Forrest v. NC Department of Transportation	99 OSP 0853	Lassiter	08/24/00	15:07 NCR 781
Ronald Dennis Long v. Western Carolina University	99 OSP 0870 <sup>9</sup>	Chess	02/01/01	
Sarah C. Hauser v. Forsyth Co., Department of Public Health	99 OSP 0923	Lassiter	04/20/00	15:01 NCR 5
Larry Mayo v. Employment Security Commission of NC	99 OSP 1023	Wade	06/30/00	
Michael Duane Maxwell v. Dept. of Health & Human Services	99 OSP 1068	Reilly	08/03/00	15:09 NCR 924
Joel T. Lewis v. Department of Correction	99 OSP 1116	Reilly	05/31/00	
Christopher D. Lunsford v. NC Dept. of Administration, Motor Fleet	99 OSP 1142	Morrison	08/11/00	
Van Sutton v. Office of Juvenile Justice/Dobbs School	99 OSP 1204	Gray	07/13/00	
Ronald Dennis Long v. Western Carolina University	99 OSP 1347 <sup>9</sup>	Chess	02/01/01	
Benny Callihan v. Department of Correction	99 OSP 1381	Wade	09/06/00	
Russell J. Suga v. Employment Security Commission of NC	99 OSP 1649	Gray	06/09/00	15:04 NCR 508
Thelma T. Utley v. NC State University	99 OSP 1708	Conner	12/08/00	
Preston D. Stiles v. NC Dept of Health & Human Svcs., Caswell Center	99 OSP 1757	Anderson	08/28/00	
Lawrence E. Cooke v. Craven Correctional Facility, NC Dept of Correction	00 OSP 0013	Conner	07/05/00	
Brenda Parker v. NC Div. of Motor Vehicles	00 OSP 0021	Gray	01/19/01	15:16 NCR 1545
Forrest Travis Coston v. NC Dept of Crime Control & Public Safety, NC State Highway Patrol	00 OSP 0022	Conner	01/24/01	
Fred J. Hargro, Jr. v. NC Dept of Crime Control & Public Safety, NC State Highway Patrol	00 OSP 0029	Morrison	08/08/00	
Robert Boyd Choat v. Department of Correction	00 OSP 0102	Reilly	07/24/00	
Larry Campbell v. Wildlife Resources Commission	00 OSP 0117 <sup>5</sup>	Reilly	09/28/00	
Larry Campbell v. Wildlife Resources Commission	00 OSP 0118 <sup>5</sup>	Reilly	09/28/00	
Vicky Ruffin-Jenkins v. Sparc Academy	00 OSP 0207	Connor	06/26/00	
Robert L. Swinney v. NC Department of Transportation	00 OSP 0281	Morrison	12/20/00	15:14 NCR 1392
Jesse C. Whitaker v. Facilities Operations (NCSU)	00 OSP 0342	Chess	07/11/00	
Gladys M. Sanders v. NC Department of Correction	00 OSP 0362	Gray	09/27/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 0413 <sup>9</sup>	Chess	02/01/01	
Lillie B. Whitaker v. Center Point Human Resources, Ronald Morton	00 OSP 0443	Lassiter	07/24/00	
Starr M. Strickland v. Correction Enterprises, NC Dept. of Correction	00 OSP 0460	Chess	10/24/00	
Mary D. Eurquhart v. NC DOT, Division of Motor Vehicles	00 OSP 0470	Wade	03/09/01	
George W. Baysden, Jr. v. NC Department of Corrections	00 OSP 0483	Chess	12/20/00	
Addie M. Williams v. Pender Correctional Inst., Dept. of Correction	00 OSP 0562	Conner	09/12/00	
Paula M Wilson v. NC Department of Correction	00 OSP 0581	Morrison	12/15/00	
Shelby Gorham-Teel v. NC Dept of Corrections, Div. of Prisons	00 OSP 0586	Chess	07/10/00	
Michael Jackson v. University Graphics, NC State University	00 OSP 0621	Lassiter	08/16/00	
Marvin Clark v. NC Department of Correction	00 OSP 0623	Gray	08/03/00	
Pathe S. Vivek v. NC Dept. of Environment & Natural Resources	00 OSP 0631	Smith	01/12/01	
Linda O. Leder v. NC Department of Correction	00 OSP 0632	Conner	09/29/00	
James F. Pridgen, Jr. v. A&T State University, Millicent Hopkins	00 OSP 0652	Mann	07/27/00	
Robert L. Moore v. Pitt County Mental Health Dev Disabilities/SA	00 OSP 0708	Wade	02/05/01	
Warren Carlos Moore v. Pitt County Menatl Health Dev Disabilities/SA	00 OSP 0713	Wade	02/05/01	
Ronald Dennis Long v. Western Carolina University	00 OSP 0745 <sup>9</sup>	Chess	02/01/01	
Guy M Murrell v. Neuse Center for Mental Health	00 OSP 0790	Gray	12/12/00	
Mark Esposito v. NCDOT/Aviation, Bill Williams, Director	00 OSP 0791	Lassiter	07/24/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 0821 <sup>9</sup>	Chess	02/01/01	
Ronald Dennis Long v. Western Carolina University	00 OSP 0822 <sup>9</sup>	Chess	02/01/01	
Marilyn R. Horton v. Gaston-Lincoln Mental Health	00 OSP 0912	Morrison	10/19/00	
Jeffrey L. Teague v. NC Department of Correction	00 OSP 0978	Chess	10/27/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 1094 <sup>9</sup>	Chess	02/01/01	
Bernadine Johnson v. Department of Correction	00 OSP 1118	Morrison	11/20/00	
Robert C. Adams v. NC Department of Labor	00 OSP 1185	Conner	11/28/00	
Pamela DeVose v. Durham County DSS	00 OSP 1189	Conner	12/28/00	
Billy Anderson v. NC Department of Correction	00 OSP 1196	Gray	03/08/01	
Steven Allen Slocum v. NC Dept. of Crime Control and Public Safety, Division of State Highway Patrol	00 OSP 1203	Conner	12/28/00	
Robert J. Lane v. Jim Webb, NC Special Care Center (DHR)	00 OSP 1241	Gray	01/23/01	
Pamela R. Smith v. NC Department of Public Instruction	00 OSP 1229	Conner	11/09/00	
Linda Sharp Brady v. Halifax Co. Department of Social Services	00 OSP 1263	Gray	02/23/01	
Wayne M. Wise v. NCCU-WNCU	00 OSP 1269	Gray	01/09/01	
Dora P. Pettiford v. NC Department of Health & Human Services	00 OSP 1279	Lassiter	09/25/00	
David A. Greats v. NC Department of Correction	00 OSP 1282	Conner	11/09/00	
Ronald Dennis "Butch" Long v. Western Carolina University	00 OSP 1307	Chess	02/02/01	

**CONTESTED CASE DECISIONS**

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Richard A Patterson v. Currituck Co. EMS, Currituck County, NC 27929	00 OSP 1330	Conner	02/21/01	
Wayne Davis v. Shelby City Schools	00 OSP 1402	Lassiter	12/20/00	
Larry Joel Williams v. Durham Co. Gov't, The Durham Center	00 OSP 1417	Gray	01/24/01	
Treena S. Greene v. NC DOC, Pamlico Correctional Institution	00 OSP 1647	Chess	02/28/01	
Susan Mote Smith v. NC DHHS/Murdoch Center	00 OSP 1662	Mann	02/23/01	
Thomas Michael Chamberlain v. Alamance Community College	00 OSP 1799	Chess	03/22/01	
Danielle Hannon-Fox v. Nash Community College	00 OSP 1872	Mann	03/14/01	
Mary Ann Suprenant v Randolph County Mental Health	00 OSP 2089	Morrison	02/14/01	
Billy Wayne Lacy v. Sandhills Center for Mental Health DD & SAS	00 OSP 2127	Morrison	02/28/01	
Erthel Hines v. NC Agricultural & Technical State University	00 OSP 2139	Morrison	12/21/00	
Johnny Lee Brown v. Harnett Correctional Institute	00 OSP 0146	Chess	03/06/01	
<b>STATE TREASURER</b>				
Jean C. Burkhart v. NC Dept. of State Treasurer, Retirement Systems Division	99 DST 1475	Mann	05/30/00	15:05 NCR 633
<b>DEPARTMENT OF REVENUE</b>				
Eddie B. Thomas v. NC Department of Revenue	00 REV 0530	Gray	08/24/00	
Samuel W. Hinshaw v. NC Department of Revenue	00 REV 1008	Gray	12/20/00	
<b>SECRETARY OF STATE</b>				
Pamela J. Rollefson v. Secretary of State (Notary Division)	00 SOS 1470	Conner	01/26/01	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Theresa T. Godfrey v. UNC Hosp. at Chapel Hill, Dept of Pharm. Billing	00 UNC 0763	Lassiter	09/08/00	
Betty S. Matheson v. UNC Hospitals, Patient Accounting Department, OR Services	00 UNC 1020	Gray	10/09/00	
Ande West v. UNC Hospitals	00 UNC 1267	Conner	12/14/00	
Lisa Morelli v. SODCA Representative, UNC Hospitals	00 UNC 1328	Gray	12/28/00	
Felicia Higgins v. UNC Hospitals at Chapel Hill	00 UNC 1486	Mann	02/23/01	
<b>NC BOARD OF ETHICS</b>				
H. Michael Poole, Ph.D v. Perry Newsome, Exec. Dir. NC Board of Ethics	00 EBD 0696	Lassiter	08/25/00	