

**NORTH CAROLINA**

**IN THIS ISSUE**



**REGISTER**

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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**

<b>TITLE</b>	<b>DEPARTMENT</b>	<b>LICENSING BOARDS</b>	<b>CHAPTER</b>
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2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
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**NORTH CAROLINA REGISTER**  
 Publication Schedule for January 2003 – December 2003

Filing Deadlines			Notice of Rule-Making Proceedings earliest register issue for publication of text	earliest date for public hearing	Notice of Text						Temporary Rule 270 <sup>th</sup> day from issue date
volume & issue number	issue date	last day for filing			non-substantial economic impact			substantial economic impact			
					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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17:14	01/15/03	12/19/02	03/17/03	01/30/03	02/14/03	02/20/03	05/00/04	03/17/03	03/20/03	05/00/04	10/12/03
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17:16	02/17/03	01/27/03	05/01/03	03/04/03	03/19/03	03/20/03	05/00/04	04/21/03	04/21/03	05/00/04	11/14/03
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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 rule 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. 34  
PUBLIC EMPLOYEE SPECIAL PAY PLAN**

WHEREAS, the 2002 General Assembly enacted N.C.G.S. § 143B-426.41 as part of Senate Bill 1115 (codified as Session Law 2002-126) authorizing the creation of a Special Pay Plan for State employees; and,

WHEREAS, a Special Pay Plan is a qualified retirement plan that will reduce the federal tax burden of both State employees and the State of North Carolina, on special compensation payments made to State employees; and,

WHEREAS, the General Assembly has directed that a Board of Trustees be established to provide a central authority to administer and coordinate Special Pay Plan arrangements for the benefit of State employees;

NOW THEREFORE, by the authority vested in me as Governor of the State of North Carolina, and consistent with N.C.G.S. § 143B-426.41, I do hereby:

1. Authorize and direct the establishment of a Board of Trustees for the North Carolina Public Employee Special Pay Plan, which shall be constituted as a state agency within the Department of Administration pursuant to N.C.G.S. § 143B-426.41.

2. Authorize and direct that the Board of Trustees of the North Carolina Public Employee Special Pay Plan shall consist of the following members:

- (a) The State Personnel Director;
- (b) The State Budget Officer;
- (c) The State Treasurer;
- (d) A State employee who has knowledge of benefits and benefit administration, and who is appointed by the Governor;
- (e) An employee of a public school system administrative unit who is knowledgeable about payroll and benefit matters, and who is appointed by the Governor;
- (f) An employee of The University of North Carolina System who is knowledgeable about payroll and benefit matters, and who is appointed by the Governor; and
- (g) An employee of the Community College System who is knowledgeable about payroll and benefit matters, and who is appointed by the Governor.

The State Budget Officer shall serve as Chairman of the Board of Trustees. Board of Trustees members shall serve initial terms and provide designees to the Board as specified in N.C.G.S. § 143B-426.41.

3. Authorize and direct the Board of Trustees to establish the North Carolina Public Employee Special Pay Plan and to operate and maintain the Plan in a manner that is consistent with the requirements, specifications, and limitations set forth in N.C.G.S. § 143B-426.41.

4. Authorize the Board of Trustees to:
- (a) Enter into agreements, consistent with the requirements of N.C.G.S. § 143B-426.41, to delegate the performance of administrative duties, including coordination and administration of the North Carolina Public Employee Special Pay Plan.
  - (b) Designate appropriate investment vehicles, trust services, and administrative services from any company duly authorized to conduct business in North Carolina, consistent with the requirements of N.C.G.S. § 143B-426.41.
  - (c) Take such further actions to carry out the objectives of the North Carolina Public Employee Special Pay Plan as may be necessary, in accordance with this Order and N.C.G.S. § 143B-426.41.

This Executive Order is effective immediately.

Done in the Capital City of Raleigh, North Carolina, this 4<sup>th</sup> day of November 2002.

\_\_\_\_\_  
MICHAEL F. EASLEY  
GOVERNOR

ATTEST:

\_\_\_\_\_  
ELAINE F. MARSHALL  
SECRETARY OF STATE

**EXECUTIVE ORDER NO. 35  
AMENDING GOVERNOR HUNT'S  
EXECUTIVE ORDER NO. 51  
NORTH CAROLINA FILM COUNCIL**

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

Section 1. Establishment.  
The North Carolina Film Council is hereby established.

Section 2. Duties.  
The Council shall have the following duties and functions:

**EXECUTIVE ORDERS**

- (a) Advise the Governor on matters that would enhance the likelihood of the film industry choosing North Carolina for filmmaking.
- (b) Advise the Secretary of Commerce and the Film Division in the Department of Commerce on film-making activities within North Carolina.
- (c) Serve as a forum for film-making concerns and recommendations relating to the film industry in North Carolina that would include, but not be all inclusive of, the following:
  - (1) Compile a database registry of locations within North Carolina that would be potential sites for filmmaking;
  - (2) Develop the financial capability of North Carolina to support projects with local financing of the film industry;
  - (3) Develop a support network for production activities relating to the film industry;
  - (4) Develop a manual for the use of local governments and municipalities detailing supportive activities that would facilitate filmmaking in their communities;
  - (5) Assist in the support and coordination of the activities of local film commissions in North Carolina;
  - (6) Provide advice on projects directly assigned by the Governor to the Council;
  - (7) Assist with recruitment of the film industry to select North Carolina sites for filmmaking; and
  - (8) Develop an annual report on the economic impact of the film-making industry in North Carolina, along with recommendations to increase the filmmaking activities within North Carolina.

A vacancy occurring during a term of appointment is filled in the same manner as the original appointment and for the balance of the unexpired term.

**Section 6. Travel Expense.**

Members of the Council shall receive necessary travel and subsistence expenses, when available, from Department of Commerce funds, pursuant to N.C.G.S. 138 -5.

**Section 7. Officers.**

The Chair and Vice Chair of the Council shall be appointed by the Governor and serve at the pleasure of the Governor. The Council may elect other such officers as it deems necessary.

**Section 8. Meetings.**

The Council shall meet at least three times yearly and at other times at the call of the Chair or upon written request at least ten of its members.

**Section 9. Staff Assistance.**

The Department of Commerce shall provide clerical support and other services required by the Council.

This Executive Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the 7<sup>th</sup> day of November, 2002.

\_\_\_\_\_  
Michael F. Easley  
Governor

ATTEST:

\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

**EXECUTIVE ORDER NO. 36  
PROCLAMATION OF STATE DISASTER  
FOR THE CITY OF STATESVILLE**

WHEREAS, I have determined that a State of Disaster and State of Emergency, as defined in N.C.G.S. §§ 166A-4(1) and 14.288.1(10), exists in the State of North Carolina, specifically in the City of Statesville, Iredell County, as a result of severe drought conditions.

WHEREAS, on August 9, 2002, the City of Statesville proclaimed a local State of Emergency; and

WHEREAS, pursuant to N.C.G.S. § 166A -6, the criteria for a Type I disaster are met including the following: 1) Receipt of the preliminary damage assessment from the Secretary of Crime Control and Public Safety; 2), the City of Statesville, Iredell County declared a local state of emergency pursuant to N.C.G.S. § 166A-8 and N.C.G.S. §§ 14-288.12, 14-288.13, and 14-288.14 and forwarded a written copy of the declaration to the Governor; 3) The preliminary damage assessment meets or exceeds the criteria established for the Small Business Disaster Loan Program pursuant to 13 C.F.R.

**Section 3. Membership.**

The Council shall consist of no more than 25 voting members who shall be appointed by the Governor including:

- (a) representatives of the film industry within the state representing acting, production, directing, producing, and film studio management.
- (b) representatives of state or local government.
- (c) citizens at-large members.

**Section 4. Terms of Membership.**

All members shall be appointed for a term of three years.

**Section 5. Vacancies.**

**EXECUTIVE ORDERS**

Part 123 or meets or exceeds the State infrastructure criteria set out in N.C.G.S. § 166A-6.01(b)(2)a.; and 4) A major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

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

Section 1. Pursuant to N.C.G.S. §§ 166A-6 and 14-28815, a State of Disaster and State of Emergency is hereby declared for the City of Statesville.

Section 2. All state and local government entities and agencies are hereby ordered to cooperate in the implementation of the provisions of this proclamation and the provisions of the North Carolina Emergency Operations Plan.

Section 3. Bryan E. Beatty, Secretary of Crime Control and Public Safety, and/or his designee, is hereby delegated all power and authority granted to me and required of me by Chapter 166A, and Article 36A of Chapter 14 of the General Statutes for the purpose of implementing the said Emergency Operations Plan and to take such further action as is necessary to promote and secure the safety and protection of the populace in the above-referenced counties.

Section 4. Further, Bryan E. Beatty, Secretary of Crime Control and Public Safety, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in N.C.G.S. 143B -476.

Section 5. I authorize this proclamation: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) unless the circumstances of the state of disaster prevent or impede, to be promptly filed with the Secretary of Crime Control and Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and, (c) to be distributed to others as necessary to assure proper implementation of this proclamation.

Section 6. The Type I disaster declaration shall expire 30 days after the issuance of the state of disaster and state of emergency and Type I disaster proclamation for the City of Statesville unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date for first issuance. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type I disaster declaration.

Done in the Capital City of Raleigh, North Carolina, this the 7<sup>th</sup> day of November 2002.

\_\_\_\_\_  
MICHAEL F. EASLEY  
GOVERNOR

ATTEST:

\_\_\_\_\_  
ELAINE MARSHALL  
SECRETARY OF STATE

*This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.*

**U.S. Department of Justice**

Civil Rights Division

JDR:MJP:KIF:nj  
DJ 166-012-3  
2002-4564

*Voting Section – NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530*

October 22, 2002

Michael B. Brough, Esq.  
The Brough Law Firm  
1829 East Franklin Street, Suite 800-A  
Chapel Hill, North Carolina 27514

Dear Mr. Brough:

This refers to the annexation (Ordinance No. 02-15) and its designation to Ward 4 of the Town of Tarboro in Edgecombe County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 3, 2002.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich  
Chief, Voting Section



**U.S. Department of Justice**

Civil Rights Division

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JDR:RPL:MLS:nj  
DJ 166-012-3  
2002-4657

*Voting Section*  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

October 29, 2002

David A. Holec, Esq.  
City Attorney  
P.O. Box 7207  
Greenville, North Carolina 27835-7207

Dear Mr. Holec:

This refers to two annexations (Ordinance Nos. 01-134 and 01-135) and their designation to districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 5, 2002.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich  
Chief, Voting Section

**SUMMARY OF NOTICE OF  
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY**

**Colonial Realty Limited Partnership**

Pursuant to N.C.G.S. 130A-310.34, Colonial Realty Limited Partnership has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Charlotte, Mecklenburg County, North Carolina. The Property consists of approximately 21 acres and is comprised of the following seven parcels near the intersection of Mallard Creek Road and Driwood Court: parcels 10131, 10113 and 10201 on Mallard Creek Road; and parcels 3015, 3021, 3041 and 3111 on Driwood Court. Environmental contamination exists on the Property in groundwater. Colonial Realty Limited Partnership has committed itself to redevelopment of the property for multi-family housing, in the form, e.g., of apartments, condominiums and similar housing on the Property. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and Colonial Realty Limited Partnership, which in turn includes (a) a legal description of the Property, (b) a map showing the location of the Property, (c) a description of the contaminants involved and their concentrations in the media of the Property, (d) the above-stated description of the intended future use of the Property, and (e) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with N.C.G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at 600 East Trade Street, Neighborhood Development Key Business, Charlotte, NC, 28217 by contacting Carolyn Minnich at that address, at carolyn.minnich@ncmail.net or at (704) 336-3499; or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Scott Ross at that address, at scott.ross@ncmail.net, or at (919)733-2801, ext. 328. Any written public comments must be submitted to DENR within 60 days of the date of this Notice. Any written requests for a public meeting must be submitted to DENR within 30 days of the date of this Notice. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson  
Head, Special Remediation Branch  
Superfund Section  
Division of Waste Management  
NC Department of Environment and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**SUMMARY OF NOTICE OF  
INTENT TO REDEVELOP A BROWNFIELDS PROPERTY**

**Wendover Village, LLC**

Pursuant to N.C.G.S. 130A-310.34, Wendover Village, LLC has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Greensboro, Guilford County, North Carolina. The Property consists of approximately 36 acres and is located at 4201 West Wendover Avenue. The land surrounding the Property is in commercial use. Environmental contamination exists on the Property in soil and groundwater. Wendover Village, LLC has committed itself to redevelop the Property for commercial uses, including, without limitation, mixed retail uses, which may include a business that stores and sells motor fuels (for example, a convenience store) but does not provide vehicle repair services. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and Wendover Village, LLC, which in turn includes (a) a legal description of the Property, (b) a map showing the location of the Property, (c) a description of the contaminants involved and their concentrations in the media of the Property, (d) the above-stated description of the intended future use of the Property, and (e) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at the Greensboro Public Library, 219 Church St., Greensboro, NC 27401, 2<sup>nd</sup> floor reference desk by contacting Frank Barefoot at that address or at (336) 373-2715, or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Scott Ross at that address, at scott.ross@ncmail.net, or at (919)733-2801, ext. 328. Written public comments may be submitted to DENR within 60 days after the date this Notice is published in a newspaper of general circulation serving the area in which the brownfields property is located, or in the North Carolina Register, whichever is later. Written requests for a public meeting may be submitted to DENR within 30 days after the period for written public comments begins. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson  
Head, Special Remediation Branch  
Superfund Section  
Division of Waste Management  
NC Department of Environment and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

*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 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10B .0203, .0209, .0302, .0402; 10C .0205, .0208, .0211-.0212, .0305, .0401-.0402, .0404, .0407, .0503; 10D .0102-.0104. Notice of Rule-making Proceedings was published in the Register on October 1, 2002.*

**Proposed Effective Date:** August 1, 2004

**Public Hearing:**

**Date:** January 14, 2003

**Time:** 7:00 p.m.

**Location:** Southwestern Community College, Sylva, NC

**Date:** January 15, 2003

**Time:** 7:00 p.m.

**Location:** City of Morganton Municipal Auditorium, Morganton, NC

**Date:** January 16, 2003

**Time:** 7:00 p.m.

**Location:** Dixon Auditorium, Elkin High School, Elkin, NC

**Date:** January 21, 2003

**Time:** 7:00 p.m.

**Location:** Courthouse, Elizabethtown, NC

**Date:** January 22, 2003

**Time:** 7:00 p.m.

**Location:** Courthouse, Graham, NC

**Date:** January 23, 2003

**Time:** 7:00 p.m.

**Location:** Moore County Courthouse, Carthage, NC

**Date:** January 28, 2003

**Time:** 7:00 p.m.

**Location:** Swain Auditorium, Edenton, NC

**Date:** January 29, 2003

**Time:** 7:00 p.m.

**Location:** Courthouse, New Bern, NC

**Date:** January 30, 2003

**Time:** 7:00 p.m.

**Location:** Courthouse, Nashville, NC

**Reason for Proposed Action:**

*15A NCAC 10B .0203, .0209 – Set seasons.*

*15A NCAC 10B .0302 – Seasons and restrictions.*

*15A NCAC 10C .0205, .0208, .0211-.0212, .0305, .0401-.0402, .0404, .0407, .0503 – Redesignate seasons, bag limits, water classifications, prohibit possession of certain species, clarify manner of taking and clarify language.*

*15A NCAC 10D .0102 – Define hunting blind.*

*15A NCAC 10D .0103 – Update gamelands list for hunting.*

*15A NCAC 10D .0104 – Update gamelands list for fishing.*

**Comment Procedures:** *Comments from the public shall be directed to Joan Troy, 1701 Mail Service Center, Raleigh, NC 27699-1701. Comments shall be received through February 7, 2003.*

**Fiscal Impact**

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

**CHAPTER 10 – WILDLIFE RESOURCES COMMISSION**

**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) 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) Saturday before Thanksgiving through the ~~third Saturday~~ fourth Friday after Thanksgiving Day in all Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Gaston, Iredell, Lincoln, 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) Two Saturdays before Thanksgiving 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) 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;

~~(F) Saturday before Thanksgiving week through the fifth Saturday after~~

~~Thanksgiving Day in all of Gaston and Lincoln counties.~~

~~(G)(F)~~ 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 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 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, Transylvania, and Yancey counties and the following parts of counties:

**PROPOSED RULES**

- 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, Polk 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, 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: All of the county except that part south of NC 211 and west of I-95.
- (G) Scotland: That part north of US 74.  
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, 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.  
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.  
Moore: That part north of NC 211 and west of US 1.
- (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) Saturday on or nearest September 10 to the fourth 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) Saturday on or nearest September 10 to the second 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) Saturday on or nearest September 10 to the third 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) The Saturday on or nearest October 8 to the following Friday in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land and the area known as the Outer Banks in Currituck County.
    - (B) The second Saturday preceding Thanksgiving 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 Saturday 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.
    - (D) The third Saturday preceding Thanksgiving 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: Polk, 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.

*Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2.*

**15A NCAC 10B .0209 WILD TURKEY**

**(a) Open Seasons:**

- (1) Winter Either-Sex Wild Turkey Season: From the Monday on or nearest to January 15 through the following Saturday on bearded or beardless turkeys in Alleghany, Ashe, Caswell, Granville, Person, Rockingham, Stokes, Surry, and Watauga counties except on Game Lands.
- (2) Spring Wild Turkey Season: From the Second Saturday in April through the Saturday of the fourth week thereafter on bearded turkeys only in all counties.
- (3) Spring Youth Only Wild Turkey Season: On the Saturday following the close of the spring turkey season on bearded turkeys only in all counties. This Rule shall not apply to Game Lands unless provided for on certain Game Lands by special permit. For purposes of this Rule a youth hunter must be less than 16 years of age. Each youth hunting during this season must be accompanied by a properly licensed adult at least 21 years of age. The adult may accompany only one youth during any particular hunt.

**(b) Bag Limits:** The daily bag limit shall be one bird and the annual bag limit shall be two birds only one of which may be taken during the Winter Either-Sex Wild Turkey Season. Possession limit is two birds.

**(c) Dogs:** The use of dogs for hunting wild turkeys during the Spring Youth Only Wild Turkey Season and the regular Spring Wild Turkey Season shall be prohibited.

SECTION .0300 – TRAPPING

~~(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, Beaufort, ~~\*\*Bertie, \*\*Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, \*\*Camden, Carteret, Caswell, Catawba, \*\*Chatham, Cherokee, Chowan, Clay, Cleveland, Craven, Currituck, Davie, Duplin, \*\*Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, \*\*Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Jones, Lee, Lenoir, Lincoln, Macon, Madison, \*\*Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Northampton, Onslow, \*\*Orange, Pasquotank, Perquimans, Person, Pitt, Polk, \*\*Richmond, Rockingham, Rowan, Rutherford, Sampson, \*\*Scotland, Stanley, Stokes, Surry, Swain, Transylvania, \*\*Tyrrell, Vance, Wake, \*\*Washington, Warren, Watauga, Wilkes, Yadkin-Yancey and in the following portions of counties: Columbus: 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.  
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.  
Johnston: That part east of I-95.  
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.  
Randolph: That part west of US 220.  
Robeson: That part east of I-95.  
Union: That part south of US 74.  
Wayne: That part south of US 70.~~

~~\*\*The Sandhills Game Land in Hoke, Moore, Richmond, and Scotland, counties; the Bladen Lakes State Forest Game Lands in Bladen County; the North River Game Lands in Camden County; the Northeast Cape Fear Wetlands Game Lands in Pender County; the Jordan Game Land in Chatham, Durham, Orange, and Wake counties; the Butler Falls of the Neuse Game Land in Durham, Granville, and Wake counties; the Roanoke River Wetlands in Bertie, Halifax, and Martin counties; Chatham Game Land in Chatham and Harnett counties; Lantern Acres Game Land in Washington and Tyrrell 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.~~

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5.

15A NCAC 10B .0302 OPEN SEASONS

(a) General. Subject to the restrictions set out in Paragraph (b) of this Rule, the following seasons for taking furbearing animals as defined in G.S. 113-129(7a), coyotes, and groundhogs shall apply as indicated, all dates being inclusive:

- (1) November 7-February 12 in and west of Surry, Wilkes, Alexander, Catawba, Burke and Cleveland ~~Counties-~~ counties.
- (2) December 15-February 28 in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover ~~Counties-~~ Counties, except that in the marshes adjoining Currituck Sound in Currituck County the season is December 15-March 12 and nutria may not be shot at any time (day or night) during the open season for migratory waterfowl.
- (3) December 1-February 20 in all other counties.
- (4) November 1 - March 31 statewide for beaver only.

- (b) Restrictions
- (1) It is unlawful to trap or take otter in and west of Stokes, Forsyth, Davie, Iredell, and Mecklenburg ~~Counties-~~ counties and on Roanoke Island in Dare County.
  - (2) It is unlawful to set steel traps for muskrat or mink in and west of Surry, Wilkes, Alexander, Catawba, Burke and Cleveland ~~Counties~~ counties except in or adjacent to the waters of lakes, streams or ponds.
  - (3) It is unlawful to trap raccoon in Yadkin County and in and west of Surry, Wilkes, Alexander, Catawba, Lincoln and Gaston ~~Counties-~~ counties.

Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.

Authority G.S. 113-134; 113-291.1; 113-291.2.

SECTION .0400 - TAGGING FURS

15A NCAC 10B .0402 TAGGING FURS

(a) Except as provided in Rule .0404 and .0405 of this Section, it is unlawful to transport or to buy, sell, barter, trade, or otherwise transfer possession or ownership of the carcass or pelt of any bobcat, otter or fox without having affixed to such carcass or pelt an individual tag provided by the North Carolina Wildlife Resources Commission. Each such tag shall bear a serial ~~number and shall indicate the season during which, and the species of animal for which, its use is authorized.~~ number.

(b) It is unlawful for any person to import into this State the carcass or pelt of any otter or bobcat which has not been previously affixed with a tag required and supplied by the state in which the animal was taken.

Authority G.S. 113-134; 113-273; 113-276.1; 50 C.F.R. 23; 87 Stat. 884.

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

(B) Ashe County:

New River (not trout waters)

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

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

Big Horse Creek (Mud Creek at SR 1363 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 (a)(5) 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 (a)(2) of this Rule.]
- Lost Cove Creek [not Hatchery Supported trout water, see Subparagraph (a)(4) of this Rule.]
- Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]
- Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (a)(2) 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~~ Wood Avenue Bridge, intersection of NC 81W and US 74A in Asheville, except where posted against trespass)
- 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 (a)(2) of this Rule.]
- Boone Fork Pond
- Yadkin River (not trout water)
- Buffalo Creek (mouth of

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|--|------------|--|
| <p>(G) Cherokee County:</p> <p>    Joes Creek to McCloud Branch)<br/>         Joes Creek (first falls upstream of SR 1574 to confluence with Buffalo Creek)</p> <p>    Hiwassee River (not trout water)</p> <p>    Shuler Creek (headwaters to Tennessee line, except where posted against trespass including portions of tributaries on game lands)</p> <p>    North Shoal Creek (Crane Creek) (headwaters to SR 1325, including portions of tributaries on game lands)</p> <p>    Persimmon Creek</p> <p>    Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)</p> <p>    Beaver Dam Creek (headwaters to SR 1326 bridge, including portions of tributaries on game lands)</p> <p>    Valley River</p> <p>    Hyatt Creek (including portions of tributaries on game lands)</p> <p>    Webb Creek (including portions of tributaries on game lands)</p> <p>    Junaluska Creek (Ashturn Creek to Valley River, including portions of tributaries on game lands)</p> | <p>(I)</p> | <p>Vineyard Creek (including portions of tributaries on game lands)</p> <p>Graham County:</p> <p>    Little Tennessee River (not trout water)</p> <p>    Calderwood Reservoir (Cheoah Dam to Tennessee State line)</p> <p>    Cheoah River (not trout water)</p> <p>    Yellow Creek</p> <p>    Santeetlah Reservoir (not trout water)</p> <p>    West</p> <p>    Buffalo Creek</p> <p>    Huffman Creek (Little Buffalo Creek)</p> <p>    Santeetlah Creek (Johns Branch to mouth including portions of tributaries within this section located on game lands, excluding Johns Branch and Little Santeetlah Creek)</p> <p>    (Big) Snowbird Creek (old railroad junction to mouth, including portions of tributaries on game lands)</p> <p>    Mountain Creek (game lands boundary to SR 1138 bridge)</p> <p>    Long Creek (portion not on game lands)</p> <p>    Tulula Creek (headwaters to lower bridge on SR 1275)</p> <p>    Franks Creek</p> <p>    Cheoah Reservoir</p> <p>    Fontana Reservoir (not trout water)</p> <p>    Stecoah Creek</p> <p>    Sawyer Creek</p> <p>    Panther Creek (including portions of tributaries on game lands)</p> |
| <p>(H) Clay County:</p> <p>    Hiwassee River (not trout water)</p> <p>    Fires Creek (first bridge above the lower game land line on US Forest Service road 442 to SR 1300)</p> <p>    Tusquitee Creek (headwaters to lower SR 1300 bridge, including portions of Bluff Branch on game lands)</p> <p>    Tuni Creek (including portions of tributaries on game lands)</p> <p>    Chatuge Lake (not trout water)</p> <p>    Shooting Creek (SR 1349 bridge to US 64 bridge at SR 1338)</p> <p>    Hothouse Branch (including portions of tributaries on gamelands)</p>  | <p>(J)</p> | <p>Haywood County:</p> <p>    Pigeon River (not trout water)</p> <p>    Cold Springs Creek (including portions of tributaries on game lands)</p> <p>    Jonathans Creek - lower (concrete bridge in Dellwood to Pigeon River)</p>  |

- 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 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.]~~  
 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan) [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~~ 1534 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)  
 Cullowhee Creek (Tilley Creek to Tuckasegee River)  
 Bear Creek Lake  
 Wolf Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]  
 Wolf Creek Lake  
 Balsam Lake  
 Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) 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

(a)(2) and (a)(6) 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.]

Spillcorn Creek (entire stream, excluding tributaries)

Shelton Laurel Creek (confluence of Big Creek and Mill Creek to NC 208 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.]

Mill Creek (upper game lands boundary to confluence with Big Creek)

Puncheon Fork (Hampton Creek to Big Laurel Creek)

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 (Virginia State line 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)  
 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 SR 1331 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 (a)(5) of this Rule.]
- (U) Swain County:  
 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) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]  
 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

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- 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 (SR 1557 bridge to NC 105 bridge and SR 1114 bridge to NC 194 bridge at Valle Crusis). [Delayed Harvest Regulations apply. See Subparagraph (a)(5) 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)
- (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 (a)(5) of this Rule.]
    - Stone Mountain Creek [Delayed Harvest Regulations apply.
- See Subparagraph (a)(5) 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)
- 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 Creek (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 Subparagraph (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 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)  
 Elk River (portion on Lees-McRae College property, excluding the millpond) [Catch and Release/Artificial Flies Only Regulations apply. See Subparagraph (a)(4) of this Rule.]  
 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 (a)(3) 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 apply, and Henry Fork and tributaries where Catch and Release/Artificial Lures Only Regulations apply. See Subparagraphs (a)(3) and (a)(5) of this Rule.  
 Nettle Branch (game land portion)
- (F) Caldwell County:  
 Buffalo Creek (Watauga County line to Long Ridge Branch)  
 Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)  
 Rockhouse Creek (entire stream)
- (G) Cherokee County:  
 Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]  
 Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (H) Graham County:  
 South Fork Squally Creek (entire stream)  
 Squally Creek (entire stream)
- (I) Haywood County:  
 Hurricane Creek (including portions of tributaries on game lands) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (J) Henderson County:  
 Green River (I-26 bridge to Henderson/Polk County line)
- (K) Jackson County:  
 Gage Creek (entire stream)  
 North Fork Scott Creek (entire stream)  
 Tanasee Creek (entire stream)  
 Whitewater River (downstream from Silver Run Creek to South Carolina State line)  
 Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)
- (L) Madison County:  
 Big Creek (headwaters to the lower game land boundary, including tributaries) [Wild Trout/Natural Bait



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- Waters Regulations apply. See Subparagraph (a)(6) of this Rule.] ~~Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (a)(6) of this Rule.]~~
- (M) Mitchell County:  
 Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)  
 Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except where posted against trespass)  
 Wiles Creek (game land boundary to mouth)
- (N) Polk County  
 Green River (Henderson County line to Fishtop Falls Access Area)  
 Pulliam (Fulloms) Creek and tributaries (game lands portions)
- (O) Transylvania County:  
All waters located on Gorges State Park  
 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- (P) Watauga County:  
 Dutch Creek (headwaters to second bridge on SR 1134)  
 Howards Creek (headwaters to lower falls)  
 Watauga River (Avery County line to steel bridge at Riverside Farm Road)
- (Q) Wilkes County:  
 Big Sandy Creek (portion on Stone Mountain State Park)  
 Garden Creek (portion on Stone Mountain State Park)  
 Harris Creek and tributaries (portions on Stone Mountain State Park) [Catch and Release Artificial Lures Only Regulations apply. See Subparagraph (a)(4) of this Rule.]  
 Widow Creek (portion on Stone Mountain State Park)
- (R) Yancey County:  
Cattail Creek (Bridge at Mountain Farm Community Road (Pvt) to NC 197 bridge)  
 Licksillet Creek (entire stream)  
 Middle Creek (game land boundary to mouth)  
 Rock Creek (game land boundary to mouth)  
 South Toe River (game land boundary downstream to Clear Creek)
- (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:
- (A) Ashe County:  
 Big Horse Creek (Virginia State line to Mud Creek at SR 1363 excluding tributaries)  
 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Lands)
- (B) Avery County:  
 Wilson Creek (game land portion)
- (C) Buncombe County:  
 Carter Creek (game land portion)
- (D) Burke County:  
 Henry Fork (portion on South Mountains State Park)
- (E) Jackson County:  
 Flat Creek  
 Tuckasegee River (upstream of Clarke property)
- (F) McDowell County:  
 Newberry Creek (game land portion)
- (G) 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:  
 Elk River (portion on Lees-McRae College property, excluding the millpond)  
 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)

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- 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 600 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)~~  
West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)
    - (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:  
Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam)
    - (L) Transylvania County:  
East Fork French Broad River (Gladly Fork to French Broad River)
    - (M) Watauga County:  
Watauga River (SR 1557 bridge to NC 105 bridge and SR 1114 bridge to NC 194 bridge at Valle Crucis)
    - (N) 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)  
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) Haywood County:  
Hurricane Creek (including portions of tributaries on game lands)
    - (E) Jackson County:  
Chattooga River (SR 1100 bridge to South Carolina state line)  
(lower) Fowler Creek (game land portion)  
Scotsman Creek (game land portion)
    - (F) 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)  
 (G) Madison County:  
 Big Creek (headwaters to the lower game land boundary, including tributaries)  
 Spillcorn Creek (entire stream, excluding tributaries)  
 (H) 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)

**15A NCAC 10C .0208 SPAWNING AREAS**

The following waters are designated as spawning areas in which fishing is prohibited or restricted as indicated:

- (1) No person shall fish by any method from February 15 to April 15, both inclusive, in Linville River from the NC 126 bridge downstream to the mouth of the Linville River as delineated by the appropriate markers.
- (2) No person shall fish by netting in that portion of the Dan River lying within the State downstream from the Brantly Steam Plant at Danville, or in the Roanoke River between the US 258 bridge and the dam of Roanoke Rapids Lake, or while in or on said rivers within said areas, have in possession any bow net, dip net or any landing net having a handle exceeding eight feet in length or a hoop or frame to which the net is attached exceeding 60 inches along its outside perimeter.
- (3) No person shall fish by any method within the bypass channel constructed by the U.S. Army Corps of Engineers around Lock and Dam No. 1 on the Cape Fear River at any time.

(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 (a)(3), (a)(4), and (a)(6) 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.

Authority G.S. 113-134; 113-292.

**NOTE:** The language in **bold** represents language that has been adopted as an emergency rule.

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

It is unlawful to transport, purchase, possess, or sell any **live individuals** of piranha, "walking catfish" (*Clarias batrachus*), **snakehead fish (from the Family Channidae, formerly Ophiocephalidae)**, black carp (*Mylopharyngodon piceus*) ~~or piceus~~, white amur or "grass carp" (*Ctenopharyngodon idella*), ~~swamp or "rice" eel (*Monopterus albus*), or red shiner (*Cyprinella lutrensis*)~~ 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 by genetic testing at a federal, state, or university laboratory 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.

Authority G.S. 113-134; 113-292.

**15A NCAC 10C .0212 FISH HATCHERIES**

It is unlawful to fish by any method or at any time in the waters of, or upon any property used in conjunction with, any state fish ~~hatchery—hatchery except McKinney Lake Reservoir at McKinney Lake State Fish Hatchery.~~ On Lake Rim it is unlawful to use power-driven boats, except those powered by electric motors, to swim or bathe at any time, or to use, or have in possession, any minnows or other species of fish except golden shiners (shad roaches) for use as bait.

Authority G.S. 113-134; 113-272; 113-292.

Authority G.S. 113-134; 113-264; 113-292.

**PROPOSED RULES**

**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>GAME FISHES</b>	<b>DAILY CREEL LIMITS</b>	<b>MINIMUM SIZE LIMITS</b>	<b>OPEN SEASON</b>
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Supported Trout Waters and undesignated waters	7 (exc. 2)	None (exc. 2)	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 <del>(exc. 9)</del> (exc. 9)	None (exc. 9)	ALL YEAR
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5	14 in. (excs. 3, 8 & 10)	ALL YEAR (exc. 17)
Smallmouth and Spotted	5	12 in. (excs. 3, 8 & 10)	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)	1	18 in. (exc. 20)	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1, 5, 6, 11 & 13)	16 in. (excs. 1, 5, 6, 11 & 13)	ALL YEAR (excs. 6, 13 & 15)
Shad: (American and hickory)	10 aggregate (exc. 18)	None	ALL YEAR <del>(excs.)(exc. 18)</del>
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 12 & 16)	None (exc. 12)	ALL YEAR (exc. 4)
NONGAME FISHES	None <del>(exc. 14)</del> (excs. 14 & 20)	None (exc. <del>20-14</del> )	ALL YEAR <del>(excs.)(exc. 7)</del>

(b) Exceptions

- |   |  |
|---|--|
| <p>(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.</p> <p>(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 season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and</p> | <p>(3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.</p> <p>(4) On Mattamuskeet Lake, special federal regulations apply.</p> <p>(5) In the inland fishing waters of Cape Fear, Neuse, Pee Dee, Pungo and Tar Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish in aggregate and the 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.</p> |
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- minimum length limit is 18 inches. 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) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open seas on for taking and possessing striped bass and their hybrids 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 in aggregate, the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit.
- (7) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (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, Reedy Creek Park lakes in Mecklenburg County, Lake Rim in Cumberland County, ~~High Rock Lake downstream of I85, Badin Lake, Falls Lake, Lake Tillery, Blewett Falls Lake, Tuckertown Lake and 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 Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake,~~ and the following waters and their tributaries: the New River in Onslow County, Roanoke Sound, Croatan Sound, Currituck Sound, Albemarle Sound, Alligator River, Scuppernong River, Chowan River, Cashie River, Roanoke River downstream of U.S. 258 bridge, Lake Mattamuskeet, Pungo Lake, Alligator Lake and New Lake. 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, ~~in~~ Falls of the Neuse Reservoir, east of SR 1004, ~~and in~~ Lake Lure, ~~Lure,~~ and Buckhorn Reservoir in Wilson and Nash counties the minimum size limit for largemouth bass is 16 inches, with no exception. ~~In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass.~~ In Lake Lure the minimum size limit for smallmouth bass is 14 inches, with no exception. In Lake Phelps ~~the minimum size for black bass is 14 inches, with no exception, and no fish between 16 and 20 inches shall be possessed.~~ In Shearon Harris Reservoir no black bass between 16 and 20 inches shall be possessed ~~possessed.~~
- (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.
- (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.
- (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.
- (12) A daily creel limit of 20 fish and a minimum size limit of eight inches apply to crappie in the following waters: ~~Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, the Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery, and Blewett Falls Lake, Lake Norman, Lake Hyco, Lake Ramseur, Cane Creek Lake, and the following waters and all their tributaries: Roanoke Sound, Croatan Sound, Currituck Sound, Albemarle Sound, Alligator River, Scuppernong River, Chowan River, Cashie River, Roanoke River downstream of U. S. 258 bridge, lake Mattamuskeet, Lake Phelps, Pungo Lake, Alligator Lake and New Lake. In and west of Madison, Buncombe and Rutherford counties, and in Lake James and in Buckhorn Reservoir in Wilson and Nash counties the a daily creel limit limit of 20 fish applies to crappie for crappie is 20 fish.~~
- (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.
- (14) The daily creel limits for channel, white, and blue catfish in designated urban lakes are stated in 15A NCAC 10C .0401(e).
- (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.
- (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.
- (17) In Sutton Lake, no largemouth bass shall be retained from December 1 through March 31.
- (18) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30.
- (19) No red drum greater than 27 inches in length may be retained.
- (20) The daily possession limit for herring (alewife and blueback in aggregate) greater than six inches in length is specified in 15A NCAC 10C .0401(a) and 15A NCAC 10C .0402(c).
- (4) ~~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.
- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (b) 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)(c) Nongame fishes, except alewife and blueback herring (greater than six inches in length) and bowfin, taken by hook and line, grabbling or by licensed special devices may be sold. Alewife and blueback herring less than 6 inches in length may be sold except in those waters specified in Paragraph (d) of Rule .0402 of this Section, where their possession is prohibited. Eels less than six inches in length may not be taken from inland waters for any purpose.
- (c)(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may only be taken from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. It shall be unlawful to possess more than 200 freshwater mussels.
- (e) It is unlawful to use boats powered by gasoline engines on impoundments located on the Barnhill Public Fishing Area.
- (f) 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:

- Cedarock 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
- Hagan Stone 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
- Reedy Creek Park Ponds, Mecklenburg County
- Lake Luke Marion, Moore County
- Anderson Community Park, Orange County
- Lake Michael, Orange County
- River Park North Pond, Pitt County
- Hamlet City Lake, Richmond County
- Big Elkin Creek, Surry County
- Apex Community Lake, Wake County
- Bond Park 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

Authority G.S. 113-134; 113-292; 113-304; 113-305.

**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 with the following exceptions:

- (1) Blue crabs must have a minimum carapace width of five inches (point to point). The daily possession limit for blue crabs is 50 per person and 100 per vessel.
- (2) No more than 25 herring (alewife and blueback in aggregate) that are greater than six inches in length may be taken or possessed during one day from the inland fishing waters of coastal rivers and their tributaries up to the first impoundment of the main course on the river or its tributaries.
- (3) Grass carp may not be possessed on Lake James and Mountain Island Reservoir.



Etheridge Pond on the Barnhill Public Fishing Area, Edgecombe County  
 Newbold Pond on the Barnhill Public Fishing Area, Edgecombe County

Authority G.S. 113-134; 113-272; 113-292.

**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:

- (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; or
- (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 eels, 200 herring (alewife and blueback in aggregate), no more than 25 of which may be greater than six inches in length from the inland fishing waters of coastal rivers and their tributaries up to the first impoundment of the main course on the river or its tributaries or 200 nongame fish of other species for bait pursuant to this Subchapter from inland fishing waters during one day. Any fishes taken for bait purposes are included within the daily possession limit for that species, if one is specified. 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.

Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292.

**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 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. 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.

(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 ear 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 pots.~~ 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.

Authority G.S. 113-134; 113-272.2; 113-276; 113-292.

**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, including crab pots in impoundments located entirely on game lands is prohibited. 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) March 1 to April 30 with dip and bow nets in Pee Dee River below Blewett Falls Dam;
  - (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;
- (9) Brunswick:
  - (a) ~~March 15 to April 15 (Thursdays, Fridays, and Saturdays only) with attended gill nets in Town Creek. No person shall take or possess more than 25 herring (blueback and alewife in aggregate) per day. No more than one net, not to exceed 50 yards in length, is allowed per person. For purposes of this Rule, a gill net is "attended" if the fisherman using it is within 100 yards of his or her net at all times.~~
  - (b) 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;
- (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;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (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;
- (16) Caswell:
  - (a) July 1 to June 30 with gigs in all public waters;



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- (b) July 1 to August 31 with seines in all running public waters, except Moons Creek;
- (c) July 1 to June 30 with traps in Hyco Reservoir;
- (17) Catawba:
  - (a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;
  - (b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;
- (18) Chatham:
  - (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);
  - (b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;
  - (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- (19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (20) Chowan:
  - (a) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
  - (b) July 1 to June 30 with traps in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (22) Cleveland:
  - (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;
- (23) Columbus:
  - (a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;
  - (b) December 1 to June 5 with dip and bow nets in Livingston Creek;
- (24) Craven:
  - (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
  - (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;
- (25) Currituck:
  - (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
- (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (26) Dare:
  - (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake;
  - (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (27) Davidson:
  - (a) July 1 to August 31 with seines in all running public waters;
  - (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;
- (28) Davie:
  - (a) July 1 to June 30 with traps and gigs in all public waters;
  - (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;
- (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;
- (30) Durham:
  - (a) July 1 to August 31 with seines in Neuse River;
  - (b) July 1 to June 30 with gigs in all public waters;
- (31) Edgecombe: December 1 to June 5 with dip and bow nets in all public waters;
- (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;
- (33) Franklin:
  - (a) July 1 to August 31 with seines in Tar River;
  - (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;
- (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;
- (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;

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- (36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (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;
- (38) Greene: December 1 to June 5 with dip and bow nets and reels in Contentnea Creek;
- (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;
- (40) Halifax:
  - (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;
  - (b) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;
- (41) Harnett:
  - (a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
  - (b) December 1 to June 5 with dip and bow nets in Cape Fear River;
- (42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- (43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (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;
- (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;
- (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;
- (47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (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;
- (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;
- (50) Lee:
  - (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;
- (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;
- (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;
- (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;
- (54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (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;
- (57) Mecklenburg:
  - (a) July 1 to August 31 with seines in all running public waters;

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- (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;
- (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;
- (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;
- (60) Nash:
  - (a) July 1 to June 30 with gigs in all public waters, except Tar River;
  - (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;
- (61) New Hanover: December 1 to June 5 with dip and bow nets in all inland public waters, except Sutton (Catfish) Lake;
- (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 Occoneechee Creek, Old River Landing 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;
- (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;
- (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;
- (65) Pamlico: December 1 to June 5 with dip and bow nets in all inland public waters, except Dawson Creek;
- (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;
- (67) Pender:
  - (a) December 1 to June 5 with dip and bow nets in the Northeast Cape Fear 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;
- (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;
- (69) Person:
  - (a) July 1 to August 31 with seines in Hycro Creek and Mayo Creek;
  - (b) July 1 to June 30 with gigs in all public waters.
- (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;
- (71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (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;
- (73) Richmond:
  - (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls

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- 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) March 1 to April 30 with dip and bow nets in Pee Dee River below Blewett Falls Dam;
- (74) Robeson: December 1 to March 1 with gigs in all inland public waters.
- (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;
- (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;
- (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;
- (78) Sampson: December 1 to June 5 with dip and bow nets in Big Coharie Creek, Black River and Six Runs Creek;
- (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;
- (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;
- (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;
- (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (84) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernong River, Alligator Creek, 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;
- (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;
- (86) Vance:
- (a) July 1 to August 31 with seines in the Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
- (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;
- (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;
- (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;
- (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;
- (90) Wayne: December 1 to June 5 with dip and bow nets in Little River, Mill Creek and Neuse River.
- (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;
- (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;
- (93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

Authority G.S. 113-134; 113-276; 113-292.

**SECTION .0500 - PRIMARY NURSERY AREAS**

**15A NCAC 10C .0503 DESCRIPTIVE BOUNDARIES**

The following waters have been designated as primary nursery areas:

- (1) North River:
  - (a) Broad Creek - Camden County - Entire stream;
  - (b) Deep Creek - Currituck County - Entire stream;
  - (c) Lutz Creek - Currituck County - Entire stream.
- (2) Alligator River:
  - (a) East Lake - Dare County - Inland waters portion;
  - (b) Little Alligator River - Tyrrell County - Entire stream.
- (3) Currituck Sound:
  - (a) Martin Point Creek - Dare County - Entire stream (Jean Guite Creek);
  - (b) Tull Creek and Bay - Currituck County - Tull Bay to mouth of Northwest River; Tull Creek from mouth upstream to SR 1222 bridge.
- (4) Pamlico River:
  - (a) Duck Creek - Beaufort County - Entire stream;
  - (b) Bath Creek - Beaufort County - Entire stream;
  - (c) Mixons Creek - Beaufort County - Entire stream;
  - (d) Porter Creek - Beaufort County - Entire stream;
  - (e) Tooleys Creek - Beaufort County - Entire stream;
  - (f) Jacobs Creek - Beaufort County - Entire stream;
  - (g) Jacks Creek - Beaufort County - Entire stream;
  - (h) Bond Creek - Beaufort County - Entire stream;
  - (i) Muddy Creek - Beaufort County - Entire stream;
  - (j) Strawhorn Creek - Beaufort County - Entire stream;
  - (k) South Prong Wright Creek - Beaufort County - Entire stream;

- (l) Jordan Creek - Beaufort County - Entire stream.
- (5) Neuse River:
  - (a) Slocum Creek - Craven County - Entire stream;
  - (b) Hancock Creek - Craven County - Entire stream.
- (6) New River:
  - (a) French Creek - Onslow County - Entire stream;
  - (b) New River - Onslow County - US Highway 17 bridge to point 0.75 miles upstream.
- (7) Roanoke River: Halifax and Northampton counties - US 258 bridge to Roanoke Rapids dam.
- (8) Tar-Pamlico River: Nash, Edgecombe, Pitt and Beaufort counties - N&S railroad at Washington upstream to Rocky Mount Mills Dam.
- (9) Neuse River: Wake, Johnston, Wayne, Lenoir, Pitt and Craven counties - Pitchkettle Creek upstream to Milburnie Dam.
- (10) Cape Fear River: Chatham, Lee, Harnett, Cumberland and Bladen counties - Lock and Dam No. 1 upstream to Buckhorn Dam.
- (11) Albemarle Sound: Peter Mashoes Creek - Dare County - Entire Stream.
- (12) Croatan Sound: Spencer Creek - Dare County - Entire Stream.

Authority G.S. 113-132; 113-134.

**SUBCHAPTER 10D - GAME LANDS REGULATIONS**

**SECTION .0100 - GAME LANDS REGULATIONS**

**15A NCAC 10D .0102 GENERAL REGULATIONS**

**REGARDING USE**

(a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the landowner and there shall be no removal of any plants or parts thereof, or other materials, without the written authorization of the landowner. Travel is restricted, except by authorized personnel, to direct access from SR 2074 to the established waterfowl viewing stands on Cowan's Ford Waterfowl Refuge. The Wildlife Resources Commission may designate areas on game lands as either an Archery Zone, Safety Zone; Restricted Firearms Zone, or Restricted Zone.

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting only.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on any game land.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.

- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained specific written approval of such entry or use from an authorized agent of the Wildlife Resources Commission.
- (5) Establishment of Archery, Restricted Firearms, and Restricted Zones. The Commission shall conduct a public input meeting in the area where the game land is located before establishing any archery, restricted firearms or restricted zone. After the input meeting the public comments shall be presented to an official Commission meeting for final determination.
- (b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county or municipality, except as permitted by the landowner.
- (c) Possession of Hunting Devices. It is unlawful to possess a firearm or bow and arrow on a game land at any time except during the open hunting seasons or hunting days for game birds or game animals, other than fox, thereon unless said device is cased or not immediately available for use, provided that such devices may be possessed and used by persons participating in field trials on field trial areas and on target shooting areas designated by the landowner, and possessed in designated camping areas for defense of persons and property; and provided further that .22 caliber pistols with barrels not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition may be carried as side arms on game lands at any time other than by hunters during the special bow and arrow and muzzle-loading firearms deer hunting seasons and by individuals training dogs during closed season without field trial authorization. This Rule shall not prevent possession or use of a bow and arrow as a licensed special fishing device in those waters where such use is authorized. During the closed firearms seasons on big game (deer, bear, boar, wild turkey), no person shall possess a shotgun shell containing larger than No. 4 shot or any rifle or pistol larger than a .22 caliber rimfire while on a game land, except that shotgun shells containing any size steel or non-toxic shot may be used while waterfowl hunting. Furthermore, only shotguns with any size shot may be possessed during the big game season for turkey. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, or while hunting waterfowl on Butner-Falls of Neuse Game Land or New Hope Game Land, except shotgun shells containing lead buckshot may be used while deer hunting.
- (d) Game Lands License: Hunting and Trapping
- (1) Requirement. Except as provided in Subparagraph (2) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, or participating in dog training or field trial activities shall have in his possession a game lands license in addition to the appropriate hunting or trapping licenses.
- (2) Exceptions
- (A) A person under 16 years of age may hunt on game lands on the license of his parent or legal guardian.
- (B) The resident and nonresident sportsman's licenses include game lands use privileges.
- (C) Judges and nonresidents participating in field trials under the circumstances set forth in Paragraph (e) of this Rule may do so without the game lands license.
- (D) On the game lands described in Rule .0103(e)(2) of this Section the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.
- (e) Field Trials and Training Dogs. A person serving as judge of a field trial which, pursuant to a written request from the sponsoring organization, has been officially authorized in writing and scheduled for occurrence on a game land by an authorized representative of the Wildlife Resources Commission, and any nonresident participating therein may do so without procuring a game lands license, provided such nonresident has in his possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the commission's agent an application to use the area and facility accompanied by the facility use fee computed at the rate of one hundred dollars (\$100.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of twenty-five dollars (\$25.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Laurinburg Fox Trial or the Sandhills Field Trial grounds without first having obtained specific written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the specific approval so obtained. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and

between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302 and .0303, trapping of furbearing animals is permitted on game lands during the applicable open seasons, except that trapping is prohibited:

- (1) on the field trial course of the Sandhills Game Land;
- (2) on the Harmon Den and Sherwood bear sanctuaries in Haywood County;
- (3) in posted "safety zones" located on any game land;
- (4) by the use of multiple sets (with anchors less than 15 feet apart) or bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (5) on Cowan's Ford Waterfowl Refuge in Gaston, Lincoln and Mecklenburg Counties;
- (6) on the Hunting Creek Swamp Waterfowl Refuge;
- (7) on the John's River Waterfowl Refuge in Burke County;
- (8) on the Dupont State Forest Game Lands.  
On those areas of state-owned land known collectively as the Roanoke River Wetlands controlled trapping is allowed under a permit system.

(g) Use of Weapons. In addition to zone restrictions described in Paragraph (a) of this Rule no person shall discharge a weapon from a vehicle, or within 150 yards of any Game Lands building or designated Game Lands camping area, except where posted otherwise, or within 150 yards of any residence located on or adjacent to game lands.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed, maintained and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is a participant in scheduled bird dog field trials held on the Sandhills Game Land; or
- (2) holds a Disabled Access Program Permit as described in Paragraph (n) of this Rule and is abiding by the rules described in that paragraph.

(i) Camping. No person shall camp on any game land except on an area designated by the landowner for camping. Camping and associated equipment in designated Hunter Camping Areas at

Butner-Falls of the Neuse, Caswell, and Sandhills Game Lands is limited to Sept. 1- Feb. 29 and Apr. 7 - May 14.

(j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

(k) Disabled Sportsman Program. In order to qualify for special hunts for disabled sportsmen listed in 15A NCAC 10D .0103 an individual shall have in their possession a Disabled Sportsman permit issued by the Commission. In order to qualify for the permit, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) amputation of one or more limbs;
- (2) paralysis of one or more limbs;
- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- (5) legal deafness, meaning the inability to hear or understand oral communications with or without assistance of amplification devices.

Participants in the program, except those qualifying by deafness, may operate vehicles on ungated or open-gated roads normally closed to vehicular traffic on Game Lands owned by the Wildlife Resources Commission. Each program participant may be accompanied by one able-bodied companion provided such companion has in his possession the companion permit issued with the Disabled Sportsman permit.

(l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, or hatchery-raised fish on game lands without prior written authorization. Also, it is unlawful to move wild fish from one stream to another on game lands without prior written authorization.

(m) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Game Lands except for designated areas on National Forests. People who have obtained a Disabled Access Program permit are exempt from this rule but must comply with the terms of their permit.

(n) Disabled Access Program. Permits issued under this program shall be based upon competent medical evidence submitted by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel chairs, all terrain vehicles, and other passenger vehicles on ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use. Those game lands where this special rule applies shall be designated in the game land rules and map book. This special access rule for disabled sportsmen does not permit vehicular access on fields, openings, roads, paths, or trails planted to wildlife food or cover. One able-bodied companion, who is identified by a special card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact

with the disabled person. The companion may participate in all lawful activities while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under this provision shall prominently display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle. It shall be unlawful for anyone other than those holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

(o) Public nudity. Public nudity, including nude sunbathing, is prohibited on any ~~gameland~~ Game Land, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

(p) Definitions: For the purpose of this Subchapter "Permanent Hunting Blind" shall be defined as any structure that is used for hunter concealment, constructed from man made or natural materials, and that is not disassembled and removed each day after the legal hunting hours.

*Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306.*

**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 lagscrew 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; 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.
- (iii) Additionally, raccoon and opossum may be hunted when in season on Uwharrie Game Lands.
- (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) Alligator River Game Land in Tyrrell County
- (A) Six Day per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (2)(3) 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)(4) Bachlelor 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.
- (4)(5) 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.
- (5)(6) Bladen Lakes State Forest Game Land in Bladen County
- (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 Lake Tract deer and bear may be taken only by still hunting.
- (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to Sep. 4Feb 28 and April 7 May 14 in areas both designated and posted as camping areas.
- (6)(7) Brunswick County Game Land in Brunswick County: Permit Only Area
- (7)(8) Buckridge Game Land in Tyrrell County.
- (A) Six 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) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season.
- (8)(9) 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)(10) 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.

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- (E) Target shooting is prohibited
- (F) Wild turkey hunting is by permit only.
- ~~(10)~~(11) 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)~~(12) 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.
  - (D) Bearded or beardless turkeys may be taken from the Monday on or nearest to January 15 through the following Saturday by permit only.
  - (E) The area encompassed by the following roads is closed to all quail and woodcock hunting and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC 62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- ~~(12)~~(13) Caswell Farm Game Land in Lenoir County-Dove-Only Area
  - (A) Dove hunting is by permit only from opening day through either the first Saturday or Labor Day which ever comes last of the first segment of dove season.
- ~~(13)~~(14) Catawba Game Land in Catawba 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)~~(15) 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.
  - (C) Wild turkey hunting is by permit only.
  - (D) Horseback riding, including all equine species, is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons.
- (15)(16) 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)~~(17) Chowan Game Land in Chowan County
  - (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (17)(18) 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.
- ~~(18)~~(19) 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)~~(20) 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)~~(21) 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.

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- ~~(21)~~(22) 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 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)~~(23) 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)~~(24) 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)~~(25) 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)~~(26) 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)~~(27) 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)~~(28) 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 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.
  - (D) Camping is restricted to Sep. 4Feb 28 and April 7 May 14 in areas both designated and posted as camping areas.
- ~~(28)~~(29) Green River Game Land in Henderson, and Polk 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.
  - (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)~~(30) 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)~~(31) 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.

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- (D) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (F) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season on the Long Shoal River Tract of Gull Rock Game Land.
- ~~(31) 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) 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.
  - (D) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- ~~(34)(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.~~
- (35)(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 except on those areas posted as American Tobacco Trail.
- (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 open days of the applicable Deer With Visible Antlers Season.~~
  - ~~(C) Wild turkey hunting is by permit only.~~
- ~~(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 on all of the open days of the applicable Deer With Visible Antlers Season.~~
- ~~(40)(39) Mayo 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.~~
- ~~(41)(40) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania 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 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~~

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- 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)(41) 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)(42) 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)(43) North River Game Land in Currituck and Camden 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 except in that part in Camden County south of US 158 where the season is the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
  - (D) Wild turkey hunting is by permit only on that portion in Camden County.
- (45)(44) Northwest River Marsh Game Land in Currituck 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 boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (46)(45) 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)(46)~~ 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)(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.
- ~~(49)(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 open days of the applicable Deer With Visible Antlers Season.
- ~~(50)(49)~~ Roanoke River Wetlands in Bertie, Halifax and Martin counties
- (A) Hunting is by Permit only.
  - (B) Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
  - (C) Camping is restricted to Sep. 4-Feb 28 and April 7-May 14 in areas both designated and posted as camping areas.
- ~~(51)(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 Hoke, Moore, Richmond and Scotland counties
- (A) Three Days per Week Area

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- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the second 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 days during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on open days beginning the third Saturday before Thanksgiving through the following Wednesday, and during the Deer With Visible Antlers season.
- (C) Gun either-sex deer hunting is by permit only. 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, opossum, rabbit, and raccoon seasons specifically indicated for the field trial grounds in 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) Opossum, ~~rabbit~~, and raccoon hunting on the field trial grounds will be allowed on open days from the second Monday before Thanksgiving through the Saturday following ~~Thanksgiving~~. Thanksgiving and rabbit season on the field trial grounds will be from the Saturday preceding Thanksgiving through the Saturday following Thanksgiving.
- (H) The following areas are closed to all quail and woodcock hunting and dog training on birds: In Richmond County: that part east of US 1; In Scotland County: that part east of east of SR 1001 and west of US 15/501.
- ~~(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 open days of the applicable 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) Shocco Creek Game Land in Franklin and Warren ~~County~~ 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.
- ~~(59)~~(58) 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.  
(D) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford counties is closed to all grouse, quail and woodcock hunting and all bird dog training.
- (60)(59) Suggs Mill Pond Game Land in Bladen County;  
 (A) Hunting is by Permit only.  
 (B) Camping is restricted to Sep. 1-Feb 28 and April 7-May 14 in areas both designated and posted as camping areas.



**PROPOSED RULES**

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| <p><del>(64)</del>(60) Sutton Lake Game Land in New Hanover County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.</p>   | <p><del>(66)</del>(65) Vance Game Land in Vance County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p> <p>(C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.</p>   |
| <p><del>(62)</del>(61) Three Top Mountain Game Land in Ashe County</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.</p> <p>(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.</p>   | <p><del>(67)</del>(66) Van Swamp Game Land in Beaufort and Washington counties</p> <p>(A) Six Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p>   |
| <p><del>(63)</del>(62) Thurmond Chatham Game Land in Wilkes County</p> <p>(A) Six Days per Week Area</p> <p>(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.</p> <p>(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.</p> | <p><del>(68)</del>(67) White Oak River Impoundment Game Land in Onslow County</p> <p>(A) Three Days per Week Area</p> <p>(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.</p> <p>(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.</p>  |
| <p><del>(64)</del>(63) Toxaway Game Land in Transylvania County</p> <p>(A) Six Days per Week Area</p> <p>(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.</p> <p>(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.</p>   | <p>(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.</p> <p>(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:</p> <p>Bertie, Halifax and Martin counties--Roanoke River Wetlands</p> <p>Bertie County--Roanoke River National Wildlife Refuge</p> <p>Bladen County--Suggs Mill Pond Game Lands</p> <p>Burke County--John's River Waterfowl Refuge</p> <p>Dare County--Dare Game Lands (Those parts of bombing range posted against hunting)</p> <p>Dare County--Roanoke Sound Marshes Game Lands</p> <p>Davie-Hunting Creek Swamp Waterfowl Refuge</p> <p>Gaston, Lincoln and Mecklenburg counties--Cowan's Ford Waterfowl Refuge</p> <p>Henderson and Transylvania counties--Dupont State Forest Game Lands</p> |
| <p><del>(65)</del>(64) Uwharrie Game Land in Davidson, Montgomery and Randolph counties</p> <p>(A) Six Days per Week Area</p> <p>(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.</p>  |   |

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305.*

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 .0404(b)(c)(d) and (f) may be used in any impounded waters located entirely on game lands. Bow and arrow may be used to take nongame fishes in impounded waters located entirely on gamelands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands must have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

(1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land and in all waters on the Dupont State Forest 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 the Tennessee state line, Nolichucky River, Mill Ridge Pond Cheoah River downstream of Santeetlah Reservoir, Little River from Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn ~~Lake, Lake and~~, the portion of West Fork Pigeon River below Lake ~~Logan-Logan and North Fork Catawba River downstream of the mouth of Armstrong Creek.~~

Dupont State Forest Game Lands in Henderson and Transylvania counties  
Three Top Mountain Game Land, Ashe County  
Nantahala National Forest Game Lands in the Counties of Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvaria  
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  
South Mountains Game Land in the counties of Cleveland and Rutherford  
Cold Mountain Game Land in Haywood County

(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.

Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.

TITLE 19A – DEPARTMENT OF TRANSPORTATION

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Transportation – Division of Motor Vehicles intends to amend the rule cited as 19A NCAC 03D .0801. Notice of Rule-making Proceedings was published in the Register on September 3, 2002.

Proposed Effective Date: August 1, 2004

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any interested person may demand a public hearing by making a request in writing to Emily Lee, NCDOT, 1501 Mail Service Center, Raleigh, NC 27699-1501 within 15 days of this Notice.

Reason for Proposed Action: Due to an inadvertent omission in August 1, 2002 amendments to this Rule, DMV was without authority to regulate private motor carrier vehicles operating in North Carolina. The Department filed a temporary rule which was effective August 6, 2002 which allowed DMV to continue to regulate private motor carriers in the state.

Comment Procedures: Comments from the public shall be directed to Emily B. Lee, NCDOT, 1501 Mail Service Center, Raleigh, NC 27699-1501, phone (919) 733-2520, fax (919) 733-9150 and email elee@dot.state.nc.us.

Fiscal Impact

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

CHAPTER 03 – DIVISION OF MOTOR VEHICLES

SUBCHAPTER 03D - ENFORCEMENT SECTION



**SECTION .0800 - SAFETY RULES AND REGULATIONS**

**19A NCAC 03D .0801 SAFETY OF OPERATION AND EQUIPMENT**

(a) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-397 and amendments thereto) shall apply to all for-hire motor carriers and all for hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in interstate commerce over the highways of the State of North Carolina if such vehicles are commercial motor vehicles as defined in 49 CFR Part 390.5.

(b) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-397 and amendments thereto) shall apply to all for-hire motor carriers and all for hire motor carrier vehicles, and all private motor carriers and all ~~for hire private~~ motor carrier vehicles engaged in intrastate commerce over the highways of the State of North Carolina if such vehicles have a GVWR of greater than 26,000 pounds; or are designed to transport 16 or more passengers, including the driver; or transport hazardous materials required to be placarded pursuant to 49 CFR 170-185. Provided, the following exceptions shall also apply to all intrastate motor carriers:

- (1) An intrastate motor carrier driver may not drive more than 12 hours following eight consecutive hours off duty; or for any period after having been on duty 16 hours following eight consecutive hours off duty; or after having been on duty 70 hours in seven consecutive days; or more than 80 hours in eight consecutive days. An intrastate driver shall be determined by his previous seven days of operation.
- (2) Persons who otherwise qualify medically to operate a commercial motor vehicle within the State of North Carolina shall be exempt from the provisions of Part 391.11(b)(1) and may be exempt from provisions of Part 391.41(b)(1) through (11) where applicable and therefore shall be authorized for intrastate operation if approved by an Exemption Review Officer appointed by the Commissioner of Motor Vehicles. These drivers shall continue to be exempt upon completion of a medical examination indicating the condition has not worsened or no new disqualifying conditions have been diagnosed and upon continued approval of an Exemption Review Officer. After a medical review by the Exemption Review Officer, a driver may be granted a waiver not to exceed a period of two years based on the type and severity of the condition. The Exemption Review Officer shall follow the guidelines established for variances from the Federal Motor Carrier Safety Regulations for intrastate commerce found in 49 CFR, Part 350.341.

(c) The rules and regulations adopted by the U. S. Department of Transportation relating to inspection, repair and maintenance

of motor vehicles (49 CFR Part 396.17 through 396.23 and including Appendix G, and amendments thereto) shall apply to all for-hire motor carrier vehicles, and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State of North Carolina if such vehicles have a GVWR of greater than 10,000 pounds. Provided, any farm vehicle shall be exempt from the requirements of this Paragraph if:

- (1) It is being operated by a farmer (or a person under the direct control of the farmer) as a private motor carrier of property;
- (2) It is being used to transport either:
  - (A) agricultural products; or
  - (B) farm machinery, farm supplies, or both, to and from a farm;
- (3) It is being operated solely within this State and within 150 air-miles of the farmer's farm;
- (4) It is not being used in the operation of a for-hire motor carrier; and
- (5) It is not carrying hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with 49 CFR 177.823.

(d) Every motor vehicle registered or required to be registered in North Carolina and subject to the inspection requirements of the Federal Motor Carrier Safety Regulations (49 CFR Part 396) which does not display a current approved State inspection certificate as provided in N.C. Gen. Stat. 20-183.2 must display a current approved federal inspection certificate when operated on the streets and highways of this State. On self-propelled vehicles the federal inspection certificate shall be displayed on the outside of the vehicle in a readily visible location on, or in the immediate vicinity of, the driver's door exclusive of the window or rear view mirror. On trailers and semitrailers, the federal inspection certificate shall be located on the left side as near as possible to the outside lower front of the vehicle. The inspection certificate shall contain at least the following legible information:

- (1) The date of inspection;
- (2) Name and address of the motor carrier or other entity where the inspection report required by 49 CFR 396.21(a) is maintained;
- (3) Information uniquely identifying the vehicle inspected; and
- (4) A certification that the vehicle has passed an inspection in accordance with 49 CFR 396.17.

(e) The Commissioner may adopt fines for out-of-service criteria. Such fines, as allowed by G.S. 20-17.7, may not exceed the fines adopted by the Commercial Motor Vehicle Safety Alliance that are in effect on the date of the violations. The commercial motor vehicle out-of-service maximum civil fine schedule shall be maintained in the Office of the Commissioner of the Division of Motor Vehicles, be available for public inspection, and be updated annually on the first day of April. The out-of-service maximum civil fine schedule shall not apply to educational contacts or North American Standard Level-V inspections approved by the Director of the DMV Enforcement Section and the Commissioner of Motor Vehicles. An educational contact for the purpose of this code shall mean a pre-planned, public safety inspection activity, focusing on commercial motor vehicle safety awareness and compliance.

**PROPOSED RULES**

(f) Any fines assessed for violation of an out-of-service criteria shall be assessed against the motor carrier of the commercial motor vehicle.

(g) Whenever a motor carrier of a commercial motor vehicle shall have a valid defense to the enforcement of the collection of fines for violation of out-of-service criteria, such motor carrier shall pay such fine to the proper officer, and notify such officer in writing that he pays the same under protest. Such payment shall be without prejudice to any defense or rights he may have, and he may, at any time within 30 days after such payment,

demand the same in writing from the Commissioner of Motor Vehicles.

(h) All Code of Federal Regulations (CFR) Parts cited in this Section are incorporated herein by reference including any subsequent amendments. A copy of the CFR is available from the Office of Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at a cost set by that office.

*Authority G.S. 20-17.7; 20 -2; 20-37.22; 20-96; 20-183.2(a); 20-381.*

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 21 – OCCUPATIONAL LICENSING BOARDS

CHAPTER 29 – LOCKSMITH LICENSING BOARD

Rule-making Agency: NC Locksmith Licensing Board

Rule Citation: 21 NCAC 29 .0202-.0205

Effective Date: November 13, 2002

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rulemaking: G.S. 74-F

Reason for Proposed Action: The effective date of the statute is January 1, 2003. As a result, our first examination sessions are scheduled for mid-December.

Comment Procedures: Written comments should be submitted to Jim Scarborough, P.O. Box 10972, Raleigh, NC 27605.

SECTION .0200 – EXAMINATION

21 NCAC 29 .0202 APPLICATION REQUIREMENTS

Applicants must submit requests for examination on the registration form approved by the Board. The application must be submitted to the Board's office by the published deadline for the examination session requested.

History Note: Authority G.S.74F -6; 74F-7; Temporary Adoption Eff. November 13, 2002.

21 NCAC 29 .0203 MINIMUM PASSING SCORE

The minimum passing score for each examination session will be published along with the examination session schedule.

History Note: Authority G.S.74F -6; 74F-7; Temporary Adoption Eff. November 13, 2002.

21 NCAC 29 .0204 REQUIREMENTS OF EXAMINEES

Applicants appearing at an examination session shall present a valid photo ID to the examination proctor before the beginning of the examination session. Applicants at examination sessions must follow all instructions given by the proctors. Failure to do so may result in the examination results being invalidated.

History Note: Authority G.S.74F -6; 74F-7; Temporary Adoption Eff. November 13, 2002.

21 NCAC 29 .0205 FAILURE TO ATTEND SCHEDULED EXAMINATION SESSION

Applicants who fail to appear for a scheduled examination session forfeit their examination fee and must submit a new registration form along with the required fee for a different session. The Board may waive the additional examination fee if it finds that the applicant's failure to attend as scheduled was the result of a genuine hardship or emergency.

History Note: Authority G.S.74F -6; 74F-7; Temporary Adoption Eff. November 13, 2002.

**RULES REVIEW COMMISSION**

*This Section contains information for the meeting of the Rules Review Commission on Thursday, December 19, 2002, 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 by Friday, December 13, 2002 to the RRC staff, the agency, and the individual Commissioners. 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**

Thomas Hilliard, III  
Robert Saunders  
Laura Devan  
Jim Funderburke  
David Twiddy

**Appointed by House**

Paul Powell - Chairman  
Jennie J. Hayman Vice - Chairman  
Dr. Walter Futch  
Jeffrey P. Gray  
Dr. John Tart

**RULES REVIEW COMMISSION MEETING DATES**

December 19, 2002

**Commission Review/Administrative Rules**

*Log of Filings (Log #190)*

*October 21, 2002 through November 20, 2002*

**DEPARTMENT OF ADMINISTRATION**

Reciprocal Preference	1 NCAC 05B .1522	Adopt
Procurement Cards	1 NCAC 05B .1523	Adopt
Definitions	1 NCAC 35 .0101	Amend
Organization of Campaign	1 NCAC 35 .0103	Amend
Applications	1 NCAC 35 .0201	Amend
Content of Applications	1 NCAC 35 .0202	Amend
Review and Schedule	1 NCAC 35 .0203	Amend
Response	1 NCAC 35 .0204	Amend
Agreements	1 NCAC 35 .0205	Amend
Other Solicitation Prohibited	1 NCAC 35 .0301	Amend
Coercive Activities Prohibited	1 NCAC 35 .0302	Amend
Methods of Payment and Terms of Contribution	1 NCAC 35 .0304	Amend
Campaign Literature	1 NCAC 35 .0305	Amend
Designation Campaign	1 NCAC 35 .0306	Amend
Effective Date of Amended Rules	1 NCAC 35 .0308	Repeal
Campaign Operation	1 NCAC 35 .0309	Adopt

**DEPARTMENT OF AGRICULTURE/AGRICULTURE AND CONSUMER SERVICES**

Adoptions by Reference	2 NCAC 09B .0116	Amend
Noxious Weeds	2 NCAC 48A .1702	Amend
Regulated Areas	2 NCAC 48A .1703	Amend
Sanitation Handbook	2 NCAC 52A .0108	Repeal
Inspection Manual	2 NCAC 52A .0109	Repeal
Intrastate Requirements: Wild Animals	2 NCAC 52C .0701	Amend
Policy	2 NCAC 57 .0101	Adopt
Authorization	2 NCAC 57 .0102	Adopt
Definitions	2 NCAC 57 .0103	Adopt
Purpose	2 NCAC 57 .0201	Adopt
Types of Programs	2 NCAC 57 .0202	Adopt
Eligibility to Receive Grants	2 NCAC 57 .0203	Adopt
Applications for Grants	2 NCAC 57 .0204	Adopt
Special Information Needed for Direct Compensatory	2 NCAC 57 .0205	Adopt
Out of Cycle Award of Grants	2 NCAC 57 .0206	Adopt

**RULES REVIEW COMMISSION**

Review of Proposals	2 NCAC 57 .0207	Adopt
Award of Grants	2 NCAC 57 .0208	Adopt
Reporting	2 NCAC 57 .0209	Adopt
Policies Governing Compensatory Programs	2 NCAC 57 .0210	Adopt
Purpose	2 NCAC 57 .0301	Adopt
Eligibility to receive grants	2 NCAC 57 .0302	Adopt
The Primary Beneficiary	2 NCAC 57 .0303	Adopt
Applications for Grants	2 NCAC 57 .0304	Adopt
Out of Cycle Consideration of Grants	2 NCAC 57 .0305	Adopt
Review of Proposals	2 NCAC 57 .0306	Adopt
Award of Grants	2 NCAC 57 .0307	Adopt
Reporting	2 NCAC 57 .0308	Adopt
Policies Governing Qualified Agricultural Program	2 NCAC 57 .0309	Adopt
<b>DEPARTMENT OF COMMERCE</b>		
Definitions; Filings	4 NCAC 03I .0101	Repeal
Financial Requirements for Mortgage Bankers and Surety Bond	4 NCAC 03I .0201	Repeal
Irrevocable Letter of Credit; Pledge of Securities	4 NCAC 03I .0204	Repeal
Net Worth	4 NCAC 03I .0205	Repeal
Application for Registration as a Mortgage Banker	4 NCAC 03I .0206	Repeal
Exempt Persons or Organizations	4 NCAC 03I .0301	Repeal
Experience Requirements for Mortgage Bankers	4 NCAC 03I .0302	Repeal
Experience Requirements for Mortgage Brokers	4 NCAC 03I .0303	Repeal
Issuance of Certificate of Registration	4 NCAC 03I .0304	Repeal
Nontransferability of Certificate of Registration	4 NCAC 03I .0305	Repeal
Annual Registration Fee	4 NCAC 03I .0306	Repeal
Annual Report	4 NCAC 03I .0401	Repeal
Segregation of Fees	4 NCAC 03I .0402	Repeal
Refunds	4 NCAC 03I .0403	Repeal
Record and Bookkeeping Requirements	4 NCAC 03I .0404	Repeal
Display of Certificate of Registration	4 NCAC 03I .0405	Repeal
Amendments to Information on File with the Commission	4 NCAC 03I .0406	Repeal
Withdrawal/Termination/Registration/MTGE Banker	4 NCAC 03I .0501	Repeal
Impairment of Financial Requirements	4 NCAC 03I .0502	Repeal
Prohibited Conduct and Practices	4 NCAC 03I .0503	Repeal
Solicitation and Advertising	4 NCAC 03I .0601	Repeal
Examinations Investigation	4 NCAC 03I .0602	Repeal
Enforcement Actions	4 NCAC 03I .0603	Repeal
Hearings	4 NCAC 03I .0604	Repeal
Conflicts of Interest	4 NCAC 03I .0605	Repeal
Mortgage Broker Application Disclosures	4 NCAC 03I .0701	Repeal
Mortgage Banker Application Disclosures	4 NCAC 03I .0702	Repeal
Disclosure Arrangements Between Mortgage Bankers/Mortgage Commitment Disclosures	4 NCAC 03I .0703	Repeal
Mortgage Lock-in Agreement	4 NCAC 03I .0704	Repeal
Definitions	4 NCAC 03I .0705	Repeal
Notices	4 NCAC 03M .0102	Adopt
Application	4 NCAC 03M .0201	Adopt
Non-transferability	4 NCAC 03M .0202	Adopt
Name Changes	4 NCAC 03M .0203	Adopt
Experience	4 NCAC 03M .0204	Adopt
Approval of Providers and Programs	4 NCAC 03M .0301	Adopt
Loan Officer Examination	4 NCAC 03M .0302	Adopt
Requirements for Providers	4 NCAC 03M .0303	Adopt
Annual Reporting Requirements	4 NCAC 03M .0401	Adopt
Amendments to Information on File with the Commission	4 NCAC 03M .0402	Adopt
Termination of Operations	4 NCAC 03M .0403	Adopt
Records to Be Maintained	4 NCAC 03M .0501	Adopt
Form and Location	4 NCAC 03M .0502	Adopt
<b>BOARD OF ELECTIONS</b>		
Agency Name Address and Hours	8 NCAC 01 .0101	Amend

**RULES REVIEW COMMISSION**

Complaints Concerning Conduct of Elections	8 NCAC 02 .0101	Repeal
Preliminary Consideration of Complaint by County	8 NCAC 02 .0102	Repeal
Scheduling and Notice of County Board Hearing	8 NCAC 02 .0103	Repeal
Conduct of Hearing by County Board	8 NCAC 02 .0104	Repeal
Decision by County Board	8 NCAC 02 .0105	Repeal
Notice and Perfection of Appeal	8 NCAC 02 .0106	Repeal
Consideration of Appeal by State Board	8 NCAC 02 .0107	Repeal
State Board Authority Over Election Protests	8 NCAC 02 .0108	Repeal
Actions of County Board as to Election Protests	8 NCAC 02 .0110	Adopt
Election Protest Form	8 NCAC 02 .0111	Adopt
Appeal to the State Board of Elections	8 NCAC 02 .0112	Adopt
New Elections Ordered by State Board of Elections	8 NCAC 02 .0113	Adopt
Type of Voting Machines Allowed	8 NCAC 04 .0101	Repeal
Custody of Voting Machines	8 NCAC 04 .0102	Repeal
Instructing Precinct Officials on the use of	8 NCAC 04 .0103	Repeal
Ballot Labels for Use on Voting Machines	8 NCAC 04 .0104	Repeal
Arrangement of Polling Place Where Voting Machines	8 NCAC 04 .0105	Repeal
Delivery and Inspection of Voting Machines	8 NCAC 04 .0106	Repeal
Directions for Voting When Machines are Used	8 NCAC 04 .0107	Repeal
Counting of Votes and Preparing Returns Absentee	8 NCAC 04 .0108	Repeal
Collection of Voting Machines and Keys after	8 NCAC 04 .0109	Repeal
Definitions	8 NCAC 04 .0201	Repeal
Authority to Purchase and Lease Equipment	8 NCAC 04 .0202	Repeal
Vote Recorders Tabulating Counting Devices	8 NCAC 04 .0203	Repeal
Ballot Labels Identifications	8 NCAC 04 .0204	Repeal
Preparation for Elections Precinct Election Office	8 NCAC 04 .0205	Repeal
Procedure at the Polling Place	8 NCAC 04 .0206	Repeal
Collection of Voting Equipment after Election	8 NCAC 04 .0207	Repeal
Manufacturers Required to Present Rules	8 NCAC 04 .0208	Repeal
Requirements of Voting Systems	8 NCAC 04 .0301	Adopt
Approval of Voting Systems	8 NCAC 04 .0302	Adopt
Official Ballot(s) to be used on Voting System	8 NCAC 04 .0303	Adopt
Operation and Manner of Voting on Voting Systems	8 NCAC 04 .0304	Adopt
Instruction of Precinct Officials and Voters in	8 NCAC 04 .0305	Adopt
Duties of Custodians of Voting Systems	8 NCAC 04 .0306	Adopt
Testing of Voting System Before Use in an Election	8 NCAC 04 .0307	Adopt
General Ballot Guidelines	8 NCAC 06B .0101	Adopt
Use of a Paper Ballots Where Voting Systems are	8 NCAC 06B .0102	Adopt
Arrangement of Official Ballots	8 NCAC 06B .0103	Adopt
Late Charges in Ballots	8 NCAC 06B .0104	Adopt
Counting of Official Ballots	8 NCAC 06B .0105	Adopt
Submitting Voter Registration and Changes of Party	8 NCAC 07B .0101	Adopt
Accepting Voter Registration Applications	8 NCAC 07B .0102	Adopt
Recounts to Follow Customary Procedures	8 NCAC 09 .0101	Repeal
Locations of Recounts	8 NCAC 09 .0102	Repeal
Notice Conducting Recount	8 NCAC 09 .0103	Repeal
Officials Conducting Recount	8 NCAC 09 .0104	Repeal
Challenge of Recount Procedures	8 NCAC 09 .0105	Repeal
General Guidelines	8 NCAC 09 .0106	Adopt
Recount of Optical Scan Mark sense and Punch card	8 NCAC 09 .0107	Adopt
Direct Record Electronic and Lever (Direct Record	8 NCAC 09 .0108	Adopt
Manual Hand-Eye Recounts	8 NCAC 09 .0109	Adopt
Tasks and Duties of Precinct Officials at Voting	8 NCAC 10B .0101	Adopt
Setting Up Polling Place Prior to Voting	8 NCAC 10B .0102	Adopt
Voting Procedures	8 NCAC 10B .0103	Adopt
Leaving the Voting Enclosure Spoiled or Incomplete	8 NCAC 10B .0104	Adopt
Procedures at the Close of Voting	8 NCAC 10B .0105	Adopt
Election Supplies Return	8 NCAC 10B .0106	Adopt
Assistance to Voters in Primaries and General	8 NCAC 10B .0107	Adopt
Curbside Voting	8 NCAC 10B .0108	Adopt
Definitions	8 NCAC 12 .0101	Adopt

**RULES REVIEW COMMISSION**

Electronic Mail (E-Mail)	8 NCAC 12 .0102	Adopt
Applications/Requests	8 NCAC 12 .0103	Adopt
Instructions and Notice Delivery	8 NCAC 12 .0104	Adopt
General Guidelines	8 NCAC 12 .0105	Adopt
Processes by Mail	8 NCAC 12 .0106	Adopt
Processes by Fax	8 NCAC 12 .0107	Adopt
Absentee Voting by Facsimile (Fax) Transmission	8 NCAC 12 .0108	Adopt
Receiving Facsimile (Fax) Transmissions	8 NCAC 12 .0109	Adopt
Ballot Verification and Security	8 NCAC 12 .0110	Adopt
Other Provisions	8 NCAC 12 .0111	Adopt
<b>DEPT. OF HEALTH &amp; HUMAN SERVICES</b>		
Definitions of Services	10 NCAC 22G .0408	Repeal
Staffing	10 NCAC 22G .0505	Amend
Congregate Site Requirements	10 NCAC 22G .0506	Repeal
Requirements for Food Preparation Centers	10 NCAC 22G .0507	Repeal
Home Delivered Meals Standards	10 NCAC 22G .0509	Repeal
Food Preparation and Safety Requirements	10 NCAC 22G .0510	Amend
Menu Planning Requirements	10 NCAC 22G .0512	Amend
Eligibility for Service	10 NCAC 22G .0513	Amend
Administration Requirements	10 NCAC 22G .0514	Amend
Prohibited Activities	10 NCAC 22G .0515	Amend
Co-Payment	10 NCAC 26D .0116	Amend
Rate Setting Methods	10 NCAC 26H .0102	Amend
DRG Rate Setting	10 NCAC 26H .0211	Amend
Disproportionate Share	10 NCAC 26H .0213	Amend
Special Situation	10 NCAC 26H .0215	Amend
Rate Setting Method for Non-State Facilities	10 NCAC 26H .0304	Amend
Physician's Fee Schedule	10 NCAC 26H .0401	Amend
Clinic Services	10 NCAC 26H .0502	Amend
Personal Care Services	10 NCAC 26H .0506	Amend
Reimbursement Methods	10 NCAC 26H .0602	Amend
<b>DEPARTMENT OF INSURANCE</b>		
Self-Employed Adjuster Renewal	11 NCAC 06A .0213	Repeal
Motor Vehicle Damage Appraiser Renewal	11 NCAC 06A .0214	Repeal
Resident Broker Application	11 NCAC 06A .0215	Repeal
Nonresident Broker Application	11 NCAC 06A .0216	Repeal
Candidate Guide	11 NCAC 06A .0221	Repeal
North Carolina Insurance License Application	11 NCAC 06A .0222	Repeal
North Carolina Limited Representative Application	11 NCAC 06A .0223	Repeal
Adjuster and Appraiser NC License Application	11 NCAC 06A .0224	Repeal
Appointment of North Carolina Agent	11 NCAC 06A .0225	Repeal
Termination of North Carolina Agent Appointment	11 NCAC 06A .0226	Repeal
Application for License to Represent a Purchasing	11 NCAC 06A .0227	Repeal
Bond Form B PG-2	11 NCAC 06A .0228	Repeal
NC Insurance Agent License Application Risk Retention	11 NCAC 06A .0229	Repeal
Appointment of North Carolina Agent-Risk Retention	11 NCAC 06A .0230	Repeal
Termination of North Carolina Agent-Risk Retention	11 NCAC 06A .0231	Repeal
Application for Resident Surplus Lines License	11 NCAC 06A .0232	Repeal
Bond Form B SL-2	11 NCAC 06A .0233	Repeal
Corporate Surplus Lines Application	11 NCAC 06A .0235	Repeal
Application for Corporate/Partnership Insurance	11 NCAC 06A .0236	Repeal
Application for Corporate/Partnership Insurance	11 NCAC 06A .0236	Repeal
Nonresident Surplus Lines License Application	11 NCAC 06A .0239	Repeal
Nonresident Surplus Lines License Renewal	11 NCAC 06A .0240	Repeal
Types of Examinations	11 NCAC 06A .0301	Repeal
Examinations Special Accommodations (ADA)	11 NCAC 06A .0302	Amend
Responsibility of Applicant at Examination Site	11 NCAC 06A .0304	Amend
Registration for Examination	11 NCAC 06A .0306	Repeal
Licenses General Provisions	11 NCAC 06A .0401	Repeal
Licensing of Resident Agent LTD Representative and	11 NCAC 06A .0402	Amend
Licensing Nonresident Agent LTD Representative	11 NCAC 06A .0403	Repeal

**RULES REVIEW COMMISSION**

Temporary License	11 NCAC 06A .0410	Repeal
Appointment of Agent Responsibility of Company	11 NCAC 06A .0412	Amend
Licensing of Business Entities	11 NCAC 06A .0413	Amend
Adjuster's Learner's Permit	11 NCAC 06A .0414	Amend
Requirements for Pre Need Limited Rep. Agent	11 NCAC 06A .0417	Amend
Renewal of Brokers' Licenses	11 NCAC 06A .0502	Repeal
Renewal Self-Employed Adjuster Motor Vehicle Damage	11 NCAC 06A .0503	Repeal
Cancellation of Licenses Issued to Individuals	11 NCAC 06A .0506	Amend
Termination of Agent Appointment	11 NCAC 06A .0507	Repeal
Rental Car Company License Renewal	11 NCAC 06A .0508	Repeal
Basis for Denial of License	11 NCAC 06A .0601	Repeal
Court Records and Affidavits Required	11 NCAC 06A .0602	Amend
Pre-licensing Education Schools	11 NCAC 06A .0702	Amend
Calculation of Icecs	11 NCAC 06A .0805	Amend
Required Qualifications Types and Levels	11 NCAC 08 .0706	Amend
Eligible Individual Coverage	11 NCAC 12 .0328	Adopt
Purpose and Scope	11 NCAC 12 .0601	Amend
Definition of Replacement	11 NCAC 12 .0602	Amend
Other Definitions	11 NCAC 12 .0603	Amend
Exemptions	11 NCAC 12 .0604	Amend
Duties of Producers	11 NCAC 12 .0605	Amend
Duties of the Existing Insurer	11 NCAC 12 .0606	Amend
Duties of Insurers That Use Producers	11 NCAC 12 .0607	Amend
Duties of Insurers with Respect to Direct Response	11 NCAC 12 .0608	Amend
Violations and Penalties	11 NCAC 12 .0609	Amend
Notice Regarding Replacement	11 NCAC 12 .0611	Amend
Duties of Replacing Insurers that Use Producers	11 NCAC 12 .0612	Adopt
<b>DEPARTMENT OF LABOR</b>		
General Industry	13 NCAC 07F .0101	Amend
Construction	13 NCAC 07F .0201	Amend
Agriculture	13 NCAC 07F .0301	Amend
Shipyards Employment	13 NCAC 07F .0501	Amend
Marine Terminals	13 NCAC 07F .0502	Amend
Regulation of Inflatable or Air Supported Amusement	13 NCAC 15 .0430	Adopt
Definitions	13 NCAC 15 .0431	Adopt
Ride Design	13 NCAC 15 .0432	Adopt
Anchorage or Tie-Down	13 NCAC 15 .0433	Adopt
Operation of Inflatable or Air Supported Amusement	13 NCAC 15 .0434	Adopt
Blowers	13 NCAC 15 .0435	Adopt
Wind Speed	13 NCAC 15 .0436	Adopt
Signs	13 NCAC 15 .0437	Adopt
Operating Manual and Documentation	13 NCAC 15 .0438	Adopt
<b>DEPARTMENT OF ENVIRONMENT &amp; NATURAL RESOURCES</b>		
Eligible Applicants	15A NCAC 12K .0102	Amend
Grant Agreement	15A NCAC 12K .0106	Amend
Matching Requirements	15A NCAC 12K .0107	Amend
Eligible Projects and Costs	15A NCAC 12K .0108	Amend
Definitions	15A NCAC 21D .0202	Amend
Participant Violations and Sanctions	15A NCAC 21D .0410	Amend
Dual Participation	15A NCAC 21D .0411	Adopt
Supplemental Foods	15A NCAC 21D .0501	Amend
Use of WIC Supplemental Foods	15A NCAC 21D .0503	Amend
Issuance of Food Instruments	15A NCAC 21D .0702	Amend
Use of Food Instruments	15A NCAC 21D .0703	Amend
Validity of WIC Food Instruments	15A NCAC 21D .0704	Amend
Authorized WIC Vendors	15A NCAC 21D .0706	Amend
Appeals	15A NCAC 21D .0802	Amend
Continuation of Participation	15A NCAC 21D .0804	Amend
Decision	15A NCAC 21D .0805	Amend
Continuing Responsibilities	15A NCAC 21D .0806	Amend
General Conditions	15A NCAC 21D .0902	Amend



**RULES REVIEW COMMISSION**

Availability	15A NCAC 21D .0903	Amend
Notification of the Right to a Fair Hearing	15A NCAC 21D .0904	Amend
Request for a Fair Hearing	15A NCAC 21D .0905	Amend
Denial or Dismissal of a Request	15A NCAC 21D .0906	Amend
Continuation of Benefits	15A NCAC 21D .0907	Amend
Notice of Hearing	15A NCAC 21D .0908	Amend
Hearing Officer	15A NCAC 21D .0909	Amend
Hearing Procedure and Rights of the Aggrieved Part	15A NCAC 21D .0910	Amend
Decision	15A NCAC 21D .0911	Amend
Reporting Requirements	15A NCAC 21F .1204	Amend
<b>REVENUE, DEPARTMENT OF</b>		
Responsibility for Tax	17 NCAC 04C .0701	Repeal
Business and Non-business Income	17 NCAC 05C .0703	Amend
Partnership Returns	17 NCAC 06B .3503	Amend
Partnership Returns	17 NCAC 06B .3537	Amend
Fertilizer and Seeds	17 NCAC 07B .4002	Amend
Fee Remedies Vaccines Medications and Litter	17 NCAC 07B .4003	Amend
Insecticides Herbicides etc	17 NCAC 07B .4004	Amend
Processed Manure	17 NCAC 07B .4007	Amend
<b>STATE BOARDS/N C STATE BOARD OF ELECTRICAL CONTRACTORS</b>		
General Requirements	21 NCAC 18B .0701	Amend
Reciprocity South Carolina	21 NCAC 18B .0702	Repeal
Reciprocity Virginia	21 NCAC 18B .0703	Repeal
Reciprocity Alabama	21 NCAC 18B .0704	Repeal
Reciprocity Florida	21 NCAC 18B .0706	Repeal
Charges and Preliminary Procedures	21 NCAC 18B .0902	Amend
Responsibility of Licensees and Qualified	21 NCAC 18B .0907	Repeal
Responsibility of Licensees and Qualified	21 NCAC 18B .0907	Repeal
Malpractice	21 NCAC 18B .0908	Repeal
<b>STATE BOARDS/PLUMBING, HEATING &amp; FIRE SPRINKLER CONTRACTORS</b>		
Organization Officers Duties	21 NCAC 50 .0103	Amend
Location of Office	21 NCAC 50 .0106	Amend
Obtaining Forms	21 NCAC 50 .0202	Amend
Qualifications Determined by Examination	21 NCAC 50 .0301	Amend
Applications Issuance of License	21 NCAC 50 .0306	Amend
General Supervision and Standard of Competence	21 NCAC 50 .0505	Amend
Minor Repairs and Alterations	21 NCAC 50 .0506	Amend
Examination Fees	21 NCAC 50 .1101	Amend
Continuing Education Requirements	21 NCAC 50 .1401	Amend
Exemptions and Credits	21 NCAC 50 .1402	Amend
Computation of Continuing	21 NCAC 50 .1403	Amend
Course Requirements and Limitations	21 NCAC 50 .1404	Amend
Approval of Courses	21 NCAC 50 .1405	Amend
Certification of Course Completion By Licensees	21 NCAC 50 .1407	Amend
Advertisements by Course Providers or Instructors	21 NCAC 50 .1408	Amend
Termination of Course or Provider Approval	21 NCAC 50 .1409	Amend

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. Elkins II

Table with 5 columns: AGENCY, CASE NUMBER, ALJ, DATE OF DECISION, PUBLISHED DECISION REGISTER CITATION. Rows include categories like ALCOHOL BEVERAGE CONTROL COMMISSION, APPRAISAL BOARD, CEMETARY COMMISSION, UTILITIES COMMISSION, CRIME CONTROL AND PUBLIC SAFETY, and HEALTH AND HUMAN SERVICES.

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Sarah D. Freeman & Tony J. Freeman v. Guilford Co. Mental Health, The Guilford Center	02 DHR 0083	Chess	06/07/02	
Albemarle Home Care & Ginger Parrish, PhD v. NC DHHS, Div. of Medical Assistance	02 DHR 0142	Conner	07/22/02	
Shonta R. Fox v. NC Dept. of Health & Human Services	02 DHR 0218	Conner	11/08/02	
Birgit James v. NC Dept. of Health & Human Services	02 DHR 0255	Connor	07/01/02	
Geraldine Rountree Cooper v. DHHS, Div. of Facility Services	02 DHR 0267	Elkins	07/15/02	
Unieca Richardson v. NC DHHS, Division of Facility Services	02 DHR 0286	Chess	06/17/02	
Greg McKinney & Virgie Elaine McKinney v. DHHS	02 DHR 0301	Mann	08/01/02	
Jerry Dean Webber v. NC DHHS, Broughton Hospital	02 DHR 0306	Conner	08/28/02	
Donna R Anderson v. NC DHHS, Broughton Hospital	02 DHR 0340	Gray	08/01/02	
Notisha Utley v. NC DHHS, Division of Facility Services	02 DHR 0379	Conner	07/26/02	
Isa Spaine v. NC Department of Health & Human Services	02 DHR 0403	Chess	06/24/02	
Debra A. Browner v. NC DHHS, Broughton Hospital	02 DHR 0405	Conner	08/28/02	
Mooresville Hospital Management Associates, Inc. d/b/a Lake Norman Regional Medical Center v. DHHS, Div. of Facility Services, Cert. of Need Section	02 DHR 0541	Chess	08/07/02	
Wayne Douglas Temples v. NC DHHS, NC Off. of Emer. Med. Svcs.	02 DHR 0543	Morrison	10/09/02	
Mark Thomas v. NC DHHS, Div. of Facility Services	02 DHR 0555	Chess	10/17/02	
Eli Maxwell v. NC DHHS, Div. of Facility Services, Health Care Registry	02 DHR 0556	Lassiter	08/08/02	
Robin Lee Arnold v. DHHS, Div. of Facility Services	02 DHR 0558	Conner	08/15/02	
Laura Sheets v. DHHS, Div. of Facility Services	02 DHR 0569	Conner	10/17/02	
Evelyn Denise Humphrey v. NC DHHS, Div. of Facility Services	02 DHR 0624	Morrison	08/08/02	
James Parks v. NC Dept. of Health and Human Services	02 DHR 0680	Morrison	08/07/02	
Andrea Green, Parent, on behalf of her minor child, Andrew Price v. The Durham Clinic	02 DHR 0682	Gray	11/07/02	
Lisa Murphy v. DHHS, Division of Facility Services	02 DHR 0694	Mann	07/26/02	
Mary's Family Care #2, Beulah Spivey v. OAH	02 DHR 0735	Morrison	08/27/02	
Miranda Lynn Stewart v. DHHS, Div. of Facility Services	02 DHR 0791	Mann	11/08/02	17:12 NCR 1086
Hazel Chea v. Department of Health & Human Services	02 DHR 0795	Mann	06/11/02	
Mr. Mohamed Mohamed v. NC DHHS, Women's & Children's Health (WIC Program)	02 DHR 0866	Chess	10/02/02	
Martha L Cox v. NC DHHS, Div. of Facility Services	02 DHR 0935	Morrison	10/25/02	
Tracy Woody v. NC Coop Ex. Svc, Coll of Ag & Life Sc Family & Consumer Svcs, In-Home Breastfeeding Support Program & Nash Co. Dept. of Social Svcs, Child Protective Svcs & State WIC Program for Nash County	02 DHR 0944	Morrison	09/25/02	
Sheryl L Hoyle v. DHHS, Div. of Facility Services	02 DHR 1009	Conner	10/24/02	
Carmelita T. England v. Ms. Lisa Moor, Chief Advocate, Black Mtn Ctr.	02 DHR 1033	Chess	08/15/02	
Gloria Dean Gaston v. Office of Administrative Hearings	02 DHR 1081	Morrison	07/26/02	
Maria Goretti Obialor v. DHHS, Div. of Facility Services	02 DHR 1187	Mann	09/11/02	
Lashanda Skinner v. DHHS	02 DHR 1190	Lassiter	09/09/02	
Robert A. Thomas v. DHH S, Div. of Facility Services	02 DHR 1254	Lassiter	09/13/02	
Janet Cook v. Division of Medical Assistance	02 DHR 1272	Lassiter	11/15/02	
Shirley's Development Center, Shirley Campbell v. State of NC DHHR, Div. of Child Development	02 DHR 1309	Morrison	10/08/02	
Peggy Renee Smith v. NC DHHS, Div. of Facility Svcs, Hlth Care Per Reg	02 DHR 1683	Lassiter	11/13/02	
<b>ADMINISTRATION</b>				
San Antioni Equipment Co. v. NC Department of Administration	02 DOA 0430	Chess	06/26/02	
James J. Lewis v. DOA, Gov. Advocacy Council for Persons w/Disabilities	02 DOA 0545	Chess	08/26/02	
<b>JUSTICE</b>				
Sara E Parker v. Consumer Protection [sic] & Rosemary D. Revis	02 DOJ 1038	Gray	08/08/02	
<b>Alarm Systems Licensing Board</b>				
Seth Paul Barham v. Alarm System Licensing Board	02 DOJ 0552	Gray	06/12/02	
Christopher Michael McVicker v. Alarm Systems Licensing Board	02 DOJ 0731	Gray	06/07/02	
Jeffery Lee Garrett v. Alarm Systems Licensing Board	02 DOJ 0908	Morrison	08/06/02	
Robert Bradley Tyson v. Alarm Systems Licensing Board	02 DOJ 1266	Morrison	10/09/02	
Larry Thomas Medlin Jr. v. Alarm Systems Licensing Board	02 DOJ 1433	Lassiter	11/19/02	
<b>Private Protective Services Board</b>				
Anthony Davon Webster v. Private Protective Services Board	01 DOJ 1857	Gray	06/07/02	
Benita Lee Luckey v. Private Protective Services Board	02 DOJ 0530	Elkins	07/12/02	
Orlando Carmichael Wall v. Private Protective Services Board	02 DOJ 0729	Gray	06/18/02	
Randall G. Bryson v. Private Protective Services Board	02 DOJ 0730	Gray	06/07/02	
Barry Snadon, Sr. v. Private Protective Services Board	02 DOJ 0907	Elkins	07/12/02	
Gregory Darnell Martin v. Private Protective Services Board	02 DOJ 0916	Morrison	08/06/02	
Marvin Ray Johnson v. Private Protective Services Board	02 DOJ 0945	Morrison	08/06/02	
Quincey Adam Moring v. Private Protective Services Board	02 DOJ 1084	Morrison	08/06/02	
Philip Garland Cameron v. Private Protective Services Board	02 DOJ 1258	Morrison	09/06/02	
Desantis Lamarr Everett v. Private Protective Services Board	02 DOJ 1259	Morrison	09/06/02	
John Curtis Howell v. Private Protective Services Board	02 DOJ 1562	Lassiter	10/04/02	
<b>Sheriffs' Education &amp; Training Standards Commission</b>				
Kevin Warren Jackson v. Sheriffs' Education & Training Stds. Comm.	01 DOJ 1587	Chess	07/16/02	
Jonathan P. Steppe v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0004	Mann	06/28/02	
Jeffrey Beckwith v. Criminal Justice & Training Stds. Comm.	02 DOJ 0057	Gray	07/15/02	
Thomas B. Jernigan v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0089	Conner	06/25/02	

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Clarence Raymond Adcock v. Criminal Justice Ed. & Trng. Stds. Comm.	02 DOJ 0104	Chess	09/09/02	
Katrina L. Moore v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0304	Reilly	07/17/02	
Wallace A. Hough, Jr. v. Criminal Justice & Training Stds. Comm.	02 DOJ 0474	Morrison	08/08/02	
Sharon L. Joyner v. Sheriffs' Educ. & Training Stds. Commission	02 DOJ 0604	Morrison	09/05/02	
Debra E. Taylor v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0605	Wade	11/05/02	
Keith E. Kilby, Sr. v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0609	Lassiter	08/07/02	
John R. Tucker v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0632	Morrison	06/26/02	
Eddie Kurt Newkirk v. Sheriffs' Education & Training Stds. Comm.	02 DOJ 0870	Gray	08/28/02	
Joseph Ray Johnson v. Criminal Justice & Training Stds. Comm.	02 DOJ 1420	Wade	06/27/02	
Joseph Garth Keller v. Criminal Justice & Trng. Stds. Comm.	02 DOJ 0170	Gray	09/11/02	
Frances Shereene Hayes v. Criminal Justice & Training Stds. Comm.	02 DOJ 0171	Mann	06/04/02	
Michael A Carrion v. Criminal Justice Educ & Trng Stds. Comm.	02 DOJ 0416	Conner	09/25/02	
Jerome Martrice Johnson v. Criminal Justice Educ. & Trng. Stds. Comm.	02 DOJ 0484	Elkins	09/23/02	
Antonio Fitzgerald McNeil v. Criminal Justice Educ. & Trng. Stds. Comm.	02 DOJ 0526	Wade	09/25/02	
Wanda L Grant v. Sheriffs' Education & Training Standards Comm.	02 DOJ 0602	Mann	10/18/02	
Mike Doyle Colvin Jr v. Sheriffs' Educ. & Training Standards Comm.	02 DOJ 1122	Chess	10/25/02	
Dennis Damon Foster v. Sheriffs' Educ. & Training Stds. Comm.	02 DOJ 1162	Mann	10/18/02	
Vickie Renee Kirkland v. Sheriffs' Educ. & Training Stds. Comm.	02 DOJ 1163	Gray	10/14/02	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
Town of Belville v. NC DENR, Div. of Coastal Management	96 EHR 0598	Gray	07/29/02	
Thompkenn Farms, Inc. Farm #82-683 and Thompkenn Farm, Inc. Farm #1	01 EHR 0182 <sup>2</sup>	Conner	11/04/02	
Squires Enterprises, Inc. v. NC DENR (LQS00-091)	01 EHR 0300	Mann	09/23/02	
Thompkenn Farms, Inc. Farm #82-683 and Thompkenn Farm, Inc. Farm #1	01 EHR 0312 <sup>4</sup>	Conner	11/04/02	
Stoneville Furniture Co., Inc. v. NC DENR, Div. of Air Quality	01 EHR 0976	Chess	07/16/02	
SRF Dev. Corp. v. NC DENR, Div. of Land Resources	01 EHR 1040 <sup>3</sup>	Gray	10/02/02	
SRF Dev. Corp. v. NC DENR, Div. of Land Resources	01 EHR 1402 <sup>3</sup>	Gray	10/02/02	
Rhett & Julie Taber, Robert W. Sawyer, John T. Talbert, Stephen Bastian, Dr. Ernest Brown, Thomas Read, Keith Brown, Fred Johnston, James L. Dickens, James T. Coin, Eleanor Coin & James Vaughn v. NC DENR, Div. of Coastal Management	01 EHR 1512	Conner	09/11/02	
Lucy, Inc. George Chemall v. NC DENR, Div. of Waste Management	01 EHR 1695	Morrison	10/22/02	
Town of Ocean Isle Beach v. NC DENR	01 EHR 1885	Chess	07/31/02	17:06 NCR 557
Valley Proteins, Inc. v. NC DENR, Div. of Air Quality	01 EHR 2362	Mann	09/26/02	
Frederick M. and Anne C. Morris, et al v. NC DENR, Div. of Air Quality and Martin Marietta Materials, Inc.	02 EHR 0068	Gray	10/18/02	
Helen Smith v. NC DENR	02 EHR 0152	Morrison	08/09/02	
Helen R. Bass v. County of Durham	02 EHR 0191	Gray	06/26/02	
Bipin B Patel Rajan, Inc. v. NC DENR, Div. of Waste Management	02 EHR 0244	Gray	06/05/02	
J.B. Hooper v. NC DENR	02 EHR 0285	Conner	08/21/02	
Elwood Montgomery v. NC DENR, Div. of Waste Management	02 EHR 0329	Wade	09/26/02	
J.L. Hope & wife, Ruth B. Hope v. NC DENR	02 EHR 0395	Mann	06/10/02	
Kathy Teel Perry v. Environmental Health Division	02 EHR 0576	Chess	10/09/02	
Linda L. Hamrick v. NC DENR	02 EHR 0600	Conner	07/23/02	
Mitchell Oil Company Larry Furr v. DENR	02 EHR 0676	Lassiter	08/07/02	
Johnnie Burgess v. NC DENR, Div. of Waste Management	02 EHR 0688	Morrison	10/11/02	
County of Hertford Producer's Gin, Inc. v. NC DENR, Div. of Air Quality	02 EHR 0690	Chess	06/17/02	
Michael John Barri v. New Hanover Co. Health Dept./Env. Health	02 EHR 0742	Conner	09/03/02	
Christopher L. Baker v. City of Asheville	02 EHR 0763	Gray	09/11/02	
Olivia Freeman POA for Bobby C. Freeman v. Trng. Stds. Comm.	02 EHR 0777	Wade	07/11/02	
E Scott Stone, Env & Soil Serv. Inc v. NC DENR, Div. of Env Health	02 EHR 1305	Mann	11/20/02	
GT of Hickory, Inc, Cole Alexander Gaither v. NC DENR	02 EHR 1534	Lassiter	11/18/02	
Brian Drive LLC, Cole Alexander Gaither v. NC DENR	02 EHR 1535	Lassiter	11/18/02	
Ronald E. Petty v. Office of Administrative Hearings	02 EHR 1183	Gray	09/20/02	
<b>ENGINEERS AND LAND SURVEYORS</b>				
NC Bd. of Examiners for Engineers & Surveyors v. C Phil Wagoner	01 ELS 0078	Lewis	06/05/02	
<b>TEACHERS &amp; ST. EMP. COMP MAJOR MEDICAL PLAN</b>				
Sandra Halperin v. Teachers' & St. Emp. Comp. Major Medical Plan	02 INS 0337	Elkins	10/02/02	
<b>NURSING HOME ADMINISTRATORS</b>				
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<b>OFFICE OF STATE PERSONNEL</b>				
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Danny Wilson Carson v. NCDHHS, NC School for the Deaf	99 OSP 0641	Gray	11/15/02	
Laura C. Seamons v. NC DHS/Murdoch Center	00 OSP 0522	Wade	06/28/02	
James Edward Robinson v. Off. of Juvenile Justice, 7 <sup>th</sup> Jud. Dist.	00 OSP 0722	Wade	06/28/02	
Andre Foster v. Winston-Salem State University	00 OSP 1216 <sup>1</sup>	Mann	06/03/02	17:01 NCR 93
Berry Eugene Porter v. NC Department of Transportation	01 OSP 0019	Gray	07/03/02	
C.W. McAdams v. NC Div. of Motor Vehicles	01 OSP 0229	Conner	09/30/02	

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**CONTESTED CASE DECISIONS**

Linda R. Walker v. Craven County Health Department	01 OSP 0309	Gray	07/12/02	
Thomas Michael Chamberlin v. NC Dept of Crime Control & Pub. Safety	01 OSP 0479	Gray	11/19/02	
J Louise Roseborough v. Wm F. Scarlett, Dir. of Cumberland County Department of Social Services	01 OSP 0734	Morgan	06/06/02	
Dennis Covington v. NC Ag. & Tech. State University	01 OSP 1045	Wade	06/28/02	
Reginald Ross v. NC Department of Correction	01 OSP 1122/23	Wade	06/28/02	
Bob R Napier v. NC Department of Correction	01 OSP 1379	Lassiter	09/26/02	17:09 NCR 914
Andre Foster v. Winston-Salem State University	01 OSP 1388 <sup>1</sup>	Mann	06/03/02	17:01 NCR 93
Andrew W. Gholson v. Lake Wheeler Rd. Field Lab, NCSU Unit #2	01 OSP 1405	Wade	06/28/02	
Joseph E. Teague, Jr. PE, CM v. NC Dept. of Transportation	01 OSP 1511	Lassiter	10/17/02	
Demetrius J. Trahan v. EEO/Title VII, Dir. Cheryl C. Fellers, DOC	01 OSP 1559	Gray	08/13/02	
Anthony W. Price v. Eliz City State University	01 OSP 1591	Lassiter	11/05/02	
Wade Elms v. NC Department of Correction	01 OSP 1594	Gray	06/27/02	
Wayne G. Whiseman v. Foothills Area Authority	01 OSP 1612	Elkins	05/30/02	17:01 NCR 103
Linwood Dunn v. NC Emergency Management	01 OSP 1691	Lassiter	08/21/02	
Gladys Faye Walden v. NC Department of Correction	01 OSP 1741	Mann	07/12/02	
Barbara A. Harrington v. Harnett Correctional Institution	02 OSP 2178	Conner	09/03/02	
Joy Reep Shuford v. NC Department of Correction	01 OSP 2179	Overby	06/25/02	
Debra R. Dellacroce v. NC DHHS	01 OSP 2185	Conner	09/11/02	
Joseph Kevin McKenzie v. NC DOC, Lavee Hamer (Gen. Counsel to the Section)	01 OSP 2241	Mann	06/05/02	
Bryan Aarons Yonish v. UNC at Greensboro	01 OSP 2274	Conner	06/25/02	
Theresa Truner v. Albemarle Mental Health Center	01 OSP 2331	Gray	07/11/02	
Mark Wayne Faircloth v. NC Forest Service	01 OSP 2374	Conner	06/20/02	
Angel J. Miyares v. Forsyth Co. Dept of Public Health & Forsyth Co. Board of Health	01 OSP 2385 <sup>2</sup>	Elkins	08/07/02	
James Donoghue v. NC Department of Correction	02 OSP 0011	Mann	08/26/02	
Robert N. Roberson v. NC DOC, Div. of Community Corrections	02 OSP 0059	Conner	10/14/02	
Lashaundon Smith v. Neuse Correctional Institution	02 OSP 0064	Elkins	07/03/02	17:03 NCR 329
Stacey Joel Hester v. NC Dept. of Correction	02 OSP 0071	Gray	10/18/02	
Angel J. Miyares v. Forsyth Co. Dept of Public Health & Forsyth Co. Board of Health	02 OSP 0110 <sup>1</sup>	Elkins	08/07/02	
Susan Luke aka Susan Luke Young v. Gaston-Lincoln-Cleveland Area Mental Health "Pathways"	02 OSP 0140	Conner	06/06/02	
Mark P. Gibbons v. NC Department of Transportation	02 OSP 0147	Conner	06/14/02	
Jana S. Rayne v. Onslow Co. Behavioral Health Care	02 OSP 0184	Morrison	08/01/02	
Cathy L. White v. NC Department of Corrections	02 OSP 0246	Elkins	05/31/02	
Doris J. Berry v. NC Department of Transportation	02 OSP 0247	Elkins	06/17/02	
William L. Johnson v. Caledonia Farms Ent. Caledonia Prison Farm	02 OSP 0270	Elkins	06/25/02	
Darrell Glenn Fender v. Avery/Mitchell Correctional Institution	02 OSP 0290	Mann	06/14/02	
Gerald W Jones v. NC Dept. of Transportation	02 OSP 0318	Wade	10/25/02	
Alber L. Scott v. UNC General Administration	02 OSP 0336	Elkins	06/10/02	
Pamela C. Williams v. Secretary of State	02 OSP 0348	Chess	08/26/02	
Ronald P Covington v. NC DOC, Dept. of Prisons	02 OSP 0404	Morrison	11/07/02	
Isiah A Black Jr v. NC DOC Div of Community Corrections	02 OSP 0435	Morrison	11/05/02	
Michael Forrester Peeler v. NC Department of Transportation	02 OSP 0478	Conner	07/01/02	
Shirley J. Davis v. NC Department of Correction	02 OSP 0486	Elkins	07/11/02	
Alber L. Scott v. UNC General Administration	02 OSP 0498	Elkins	06/10/02	
Harold Phillips v. Durham Co. Dept. of Social Services	02 OSP 0503	Chess	07/30/02	
Michelle G. Minstrell v. NC State University	02 OSP 0568	Chess	06/26/02	
Robert L. Swinney v. NC Dept. of Transportation	02 OSP 0570	Lassiter	10/23/02	
Janet Watson v. Nash Co. DSS, Carl Daughtry, Director	02 OSP 0702	Chess	08/13/02	
Patricia Anthony v. NC Dept. of Correction (Pamlico CI)	02 OSP 0797	Lassiter	08/07/02	
Linda Kay Osborn v. Isothermal Community College	02 OSP 0911	Elkins	09/25/02	
Deona Renna Hooper v. NCC Police Dept, NCCU	02 OSP 0984	Lassiter	10/31/02	
Jerry J Winsett v. Cape Fear Community College	02 OSP 0998	Morrison	08/09/02	
Jerry J. Winsett v. Cape Fear Community College	02 OSP 0998	Morrison	09/05/02	
Walter Anthony Martin, Jr. v. Town of Smithfield (Smithfield Police Dept.)	02 OSP 1002	Morrison	07/30/02	
Ella Fields-Bunch v. Martin-Tynrell -Washington Dist. Health Dept.	02 OSP 1037	Conner	10/16/02	
JoAnn A Sexton v. City of Wilson	02 OSP 1041	Morrison	07/25/02	
Karen C. Weaver v. State of NC Dept. of Administration	02 OSP 1052	Lassiter	10/25/02	
Alex Craig Fish v. Town of Smithfield (Smithfield Police Dept.)	02 OSP 1060	Morrison	08/09/02	
John C Candillo v. Roselyn Powell				
John C Candillo v. Roselyn Powell, Jud. Div Chief, NC DOCC, Jud Div. 3	02 OSP 1067	Conner	10/21/02	
Donald B. Smith v. NC DOC, D iv. of Community Corrections	02 OSP 1117	Chess	10/03/02	
Russell V Parker v Capt Dennis Daniels Pasquotank Corr. Inst	02 OSP 1127	Lassiter	11/05/02	
Carolyn Pickett v. Nash-Rocky Mt. School Systems, Nash-Rocky Mt. Board of Education	02 OSP 1136	Morrison	07/29/02	
James J. Lewis v. Department of Correction	02 OSP 1158	Mann	08/20/02	
James J. Lewis v. Department of Commerce/Industrial Commission	02 OSP 1179	Mann	09/19/02	
Melvin Kimble v. NC Dept. of Crime Control & Public Safety	02 OSP 1318	Lassiter	11/06/02	
Martha Ann Brooks v. State of NC Brown Creek Correctional Inst.	02 OSP 1468	Chess	10/25/02	
James Orville Cox II v. NC DOC, Adult Probation/Parole	02 OSP 1526	Chess	10/17/02	
<b>SUBSTANCE ABUSE PROFESSIONAL BOARD</b>				
NC Substance Abuse Professional Certification Board v. Lynn Cameron Gladden	00 SAP 1573	Chess	05/10/02	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Patsy R. Hill v. UNC Hospitals	02 UNC 0458	Conner	08/21/02	17:06 NCR 571
Sharon Reed v. UNC Hospitals	02 UNC 1284	Conner	11/11/02	

CONTESTED CASE DECISIONS

STATE OF NORTH CAROLINA  
COUNTY OF BURKE

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
02 DHR 0791

MIRANDA LYNN STEWART,  
Petitioner,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
DIVISION OF FACILITY SERVICES  
Respondent.

DECISION

This contested case was heard before Julian Mann, III, Chief Administrative Law Judge, on July 2, 2002, in Newton, North Carolina.

APPEARANCES

Miranda Lynn Stewart  
4639 Fowler Street  
Valdese, NC 28690  
Pro se Petitioner

June S. Ferrell  
Assistant Attorney General,  
North Carolina Department of Justice  
PO Box 629  
Raleigh, NC 27602  
Counsel for Respondent

ISSUE

Whether Respondent acted erroneously when Respondent notified Petitioner of its intent to enter a finding of neglect by Petitioner of a resident in a nursing home facility in the Nurse Aide Registry and the Health Care Personnel Registry.

APPLICABLE STATUTES AND RULES

N.C. GEN. STAT. §§ 131E-255 and -256  
N.C. GEN. STAT. § 150B-23  
10 NCAC 3B .1001(10)

EXHIBITS

The following exhibits were admitted into evidence:

1. Petitioner’s Exhibit #5 Written Statement of D. Caliber
2. Respondent’s Exhibit #1 Handwritten Statement of Miranda Stewart, dated January 24, 2002
3. Respondent’s Exhibit #2 HCPR Interview of Handwritten Statement of Miranda Stewart, dated March 25, 2002
4. Respondent’s Exhibit #3 Typed Statement of Miranda Stewart, dated April 22, 2002
5. Respondent’s Exhibit #4 Typed and Handwritten Statement of Miranda Stewart, dated April 22, 2002
6. Respondent’s Exhibit #5 Individual Education Report for Miranda Stewart
7. Respondent’s Exhibit #6 HCPR Letter to Miranda Lynn Stewart, dated April 16, 2002

8. Respondent's Exhibit #7 Handwritten Statements of Sandra Macey
9. Respondent's Exhibit #8 HCPR Interview of Sandra Macey, dated March 26, 2002
10. Respondent's Exhibit #9 Handwritten Statement of Sheryl Hoyle, dated January 25, 2002
11. Respondent's Exhibit #10 Blue Ridge's Coaching/Counseling Record of Sheryl Hoyle
12. Respondent's Exhibit #11 HCPR Interview of Sheryl Hoyle, dated March 28, 2002
13. Respondent's Exhibit #14 Handwritten Statement of Kathy Bean, dated January 13, 2002
14. Respondent's Exhibit #15 HCPR Interview of Kathy Bean, dated March 25, 2002
15. Respondent's Exhibit #16 Handwritten Statement of Emily Smith, dated January 14, 2002
16. Respondent's Exhibit #17 HCPR Interview of Emily Smith, dated March 25, 2002
17. Respondent's Exhibit #18 Handwritten Statement of Lisa Storie, dated January 24, 2002
18. Respondent's Exhibit #19 Handwritten Statement of Lisa Storie, dated January 25, 2002
19. Respondent's Exhibit #20 HCPR Interview of Lisa Storie, dated March 23, 2002
20. Respondent's Exhibit #21 Nursing Assistant Assignment Sheet, dated January 13, 2002
21. Respondent's Exhibit #22 HCPR Interview of Resident J.C., dated March 25, 2002
22. Respondent's Exhibit #23 HCPR Investigative Conclusion, dated April 11, 2002

Based upon the preponderance of the admissible evidence, the undersigned makes the following:

**FINDINGS OF FACTS**

1. The Petitioner is a certified nursing assistant (hereinafter "CNA") and resides in Valdese, Burke County, North Carolina.
2. Respondent is an agency of the State of North Carolina with its principal office in Raleigh, Wake County, North Carolina.
3. College Pines Nursing Center (hereinafter College Pines) is a skilled nursing facility with a rest home unit within the facility. Tr. p. 79
4. At all times relevant, Petitioner was employed as a CNA at College Pines. Tr. pp. 21-23
5. At all times relevant, J.C. was a resident of College Pines in the skilled nursing unit. Tr. p. 79
6. At all times relevant, Sheryl Hoyle was employed as a CNA at College Pines. Tr. pp. 31-32
7. At all times relevant, Sandra Macey was employed as a nurse at College Pines. Tr. p. 47
8. At all times relevant, Kathleen Bean was employed as the second shift supervisor at College Pines. Tr. p. 57
9. At all times relevant, Emily Smith was employed as the Admissions Coordinator and Social Worker at College Pines. Tr. p. 69
10. At all times relevant, Lisa Storie was employed as the RN manager at College Pines. Tr. p. 79
11. At all times relevant, Misty Craig, LPN, was a former co-worker of Petitioner at College Pines. Ms. Craig was not employed with College Pines on January 12 and 13, 2002 and she has no personal knowledge of the incident. Tr. p. 114

12. At all times relevant, Dean Gurley was Petitioner's pastor. Pastor Gurley was not on the premises of College Pines on January 12 and 13, 2002 and he has no personal knowledge of the incident. Pastor Gurley described Petitioner as conscientious and as a person who excels at tasks he assigns to her. Tr. pp. 118, 119

13. At all times relevant, Barbara Powell was a nurse investigator with the Health Care Personnel Registry Section. Tr. p. 97

14. In summary form, Respondent alleged that Petitioner "... neglected a resident (J.C.), by not checking on J.C. on third shift, resulting in the resident remaining on the bedpan the entire shift at College Pines Nursing Home in Rutherford College on or about 1/12/2002." R. Ex. 6

15. J.C. is a kind, non-demanding resident. J.C. has multiple sclerosis, constipation, a seizure disorder, skin irritation disorders and is non-ambulatory. J.C. receives nutrition by a tube connected to J.C.'s stomach. J.C. is continent most of the time. At the time of the incident, J.C. was mentally alert and oriented as to person, place and time. J.C. rings for assistance as needed. J.C. is communicative and can express J.C.'s needs and does so. Tr. pp. 16-17, 20, 83

16. On January 12, 2002, Ms. Hoyle was assigned to the second shift at College Pines. Around 8:00 p.m., Ms. Macey and Ms. Hoyle administered an enema to J.C. The resident was placed on a bedpan. During the remainder of their shift, neither Ms. Hoyle nor Ms. Macey removed J.C. from the bedpan. Tr. pp. 35-37, 50. Ms. Macey assumed that Ms. Hoyle had removed J.C. from the bedpan. Tr. p. 37; R. Ex. 8. Ms. Macey also assumed that Ms. Hoyle had recorded an entry for the bowel movement beside this patient's name. R. Exs. 7, 8 & 21. Neither Ms. Macey nor Ms. Hoyle made any notation on any record to indicate a bowel movement and it is unexplained how an entry later appeared. Ms. Hoyle did not report to Petitioner that J.C. was still on the bedpan because she believed that J.C. was no longer on the bedpan. Tr. p. 40

17. On January 12, 2002, at 10:30 p.m., Petitioner reported to work early at College Pines for third shift from 11:00 p.m. to 7:00 a.m. Petitioner was assigned to care for J.C. Petitioner and Ms. Hoyle walked the hall with Petitioner at College Pines. Ms. Hoyle informed Petitioner of the status for each resident. Ms. Hoyle did not inform Petitioner that J.C. was on a bedpan. Tr. pp. 13, 14, 15-16, 40; R. Exs. 1, 2, 3 and 4

18. Although Petitioner entered J.C.'s room several times on January 12 and 13, 2002, Petitioner did not turn J.C. nor did she ever discover that J.C. remained on the bedpan. Petitioner's understanding as to whether or not to turn J.C. every two hours was that this was not necessary as J.C. would ring for assistance. This was J.C.'s preference, and J.C. was not to be disturbed except when requested. Tr. p. 21. During her shift, Petitioner physically adjusted J.C. in the bed several times by pulling J.C. up and changed the catheter. R. Ex. 2, Tr. p. 17. J.C. is alert and is capable of communicating J.C.'s needs. Tr. p. 17. J.C. had pressed J.C.'s bell during the evening and asked that J.C. be pulled up but did not request any other service. Tr. p. 20. Petitioner noticed a foul odor when she entered J.C.'s room; however, she attributed the odor to the roommate and to the fact that J.C. was a tube-fed resident. Tr. pp. 17-21; R. Exs. 2, 3 and 4

19. On the morning of January 13, 2002, Ms. Bean was approached by staff at College Pines and informed that J.C. had been left on a bedpan during the third shift and that the bedpan was full of feces. Ms. Bean examined J.C. and observed that J.C.'s scrotum was red, there was a bedpan ring around the top of J.C.'s thighs and there was an imprint near the top of J.C.'s coccyx. Tr. pp. 58-59; R. Exs. 14 and 15

20. Ms. Bean telephoned Ms. Hoyle and questioned her about J.C. and Ms. Hoyle responded, "Oh, God, Kathy. I forgot J.C. was on the bedpan." Tr. p. 39, 60; R. Ex. 14

21. Ms. Hoyle had assumed that a co-worker had removed J.C. from the bedpan. Accordingly, Ms. Hoyle did not tell Petitioner that J.C. was on a bedpan. Tr. pp. 37-40; R. Exs. 1, 2, 3 and 4

22. J.C. was interviewed by facility employees and by Ms. Powell. J.C. stated that J.C. had been left on the bedpan overnight, that the incident had happened only once, and that J.C. had asked to be removed from the bedpan one time; however, the staff was too busy. J.C. was not able to name the staff that failed to remove J.C. from the bedpan; however, J.C. stated that it was during the evening shift. Tr. pp. 70-71, 76-77, 83-84, 94, 101-102; R. Exs. 16, 17, 19 and 22

23. Lisa Storie, R.N., the Nurse Manager at College Pines Nursing Center, testified to a turning and repositioning policy requirement as follows: "The CNAs are to do a round every two hours, checking and repositioning all bed-bound patients." Tr. p. 87

24. Ms. Bean and Ms. Storie testified that CNAs, such as Petitioner, are trained to turn and reposition bed-bound residents, such as J.C., every two hours but a resident has a right to refuse. The CNA is instructed to report the resident's refusal to the nursing staff. Tr. pp. 62-63, 66, 86-88, 90-91; R. Ex. 20



25. Petitioner had been trained to turn and reposition bed-bound residents every two hours. Petitioner stated that when she began to care for J.C. that J.C. informed her that J.C. did not want to be turned and repositioned. In fact, J.C. cursed Petitioner and demanded to be left alone when Petitioner had attempted to turn J.C. Thereafter, Petitioner would only turn and reposition J.C. upon request. Petitioner believed that J.C. had the right to refuse this service. Petitioner was only informed after this incident to turn J.C. every two hours, notwithstanding J.C.'s instruction to the contrary. Before the incident Petitioner had not turned J.C. every two hours as J.C. did not want to be disturbed. Petitioner reported this to the nurses on the shift. Tr. pp. 22, 23; R. Exs. 1, 2, 3 and 4 J.C. was alert and capable of expressing what was needed and specifically expressing the need for assistance with incontinence. Tr. p. 88 J.C. prefers laying back down. J.C. can move, with some ability to reposition for comfort. R. Ex. 20

26. On behalf of College Pines, Ms. Storie and Ms. Smith conducted an internal investigation into the incident. Upon completion of the investigation, the investigative report was forwarded to Respondent for review. Tr. pp. 70, 80-84, 98

27. Ms. Powell investigated and substantiated the allegation of neglect by Petitioner against J.C., a resident of a nursing home. Tr. pp. 98-99; R. Exs. 6 and 23 She explained in her testimony that: "I substantiated the allegation that Miranda Stewart had neglected the resident, J.C., by not making rounds, by not turning J.C. during the shift, and by not providing personal care." Tr. p. 99 "If the resident were alert and oriented, the staff would ask them if they needed any thing but were supposed to do physical check on the resident." R. Ex. 23 Ms. Powell based her conclusion of neglect on a failure to provide care but conceded that Petitioner partially checked on J.C. by pulling J.C. up emptying J.C.'s catheter and asking J.C. if J.C. needed any thing. Tr. p. 104.

28. By letter, sent via certified mail, on April 16, 2002, Respondent notified Petitioner that the Department had substantiated an allegation of neglect against Petitioner and that the substantiated finding would be entered into the Nurse Aide Registry and the Health Care Personnel Registry. The letter also notified Petitioner of her right to contest the entry of the substantiated finding of neglect in the Nurse Aide Registry and the Health Care Personnel Registry. R. Ex. 6

Based upon the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following:

**CONCLUSIONS OF LAW**

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter pursuant to Chapters 131E and 150B of the North Carolina General Statutes.

2. All parties have been correctly designated and there is no question as to misjoinder or nonjoinder.

3. Respondent's Division of Facility Services, Health Care Personnel Registry Section is required by N.C. Gen. Stat. § 131E-255 to maintain a Registry that contains the names of all nurse aides working in nursing facilities who have a substantiated finding of resident abuse, resident neglect, or misappropriation of resident property.

4. Respondent's Division of Facility Services, Health Care Personnel Registry Section is required by N.C. Gen. Stat. § 131E-256 to maintain a Registry that contains the names of all health care personnel working in health care facilities who have a substantiated finding of resident abuse, resident neglect, misappropriation of resident property, misappropriation of facility property, diversion of resident drugs, diversion of facility drugs, fraud against a resident or fraud against a facility.

5. College Pines Nursing Center, a nursing home, is a health care facility as defined in N.C. Gen. Stat. § 131E-256(b)(6).

6. As a nurse aide, Petitioner is subject to the provisions of N.C. Gen. Stat. § 131E-255.

7. As health care personnel, Petitioner is subject to the provisions of N.C. Gen. Stat. § 131E-256.

8. "Neglect" is not defined by statute. "Neglect" is defined by 42 CFR Part 488 Subpart E which is incorporated by reference, including subsequent amendments. . . . in 10 NCAC 3B .1001(10). Neglect is defined in 42 CFR 488.301 as: "'Neglect' means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness."

9. On January 12 and 13, 2002, Petitioner did not neglect Resident J.C. as alleged, based in part upon the rationale stated below:

a J.C. was the subject of neglect by others at this facility for their failure to remove J.C. from the bedpan, their failure to document J.C.'s records and failure to inform Petitioner and other staff that J.C. remained on the bedpan.

b. Petitioner was uninformed by staff and J.C. as to this circumstance. Petitioner's interaction with J.C. had been based upon communication. J.C. was alert and communicative. J.C. did not communicate any special needs to Petitioner other than to be pulled up on the bed on the evening of January 12, 2002 and the morning of January 13, 2002.

c. The failure to document and communicate to Petitioner is critical to Petitioner's culpability for neglect. Her culpability is connected to an act she did not have any knowledge of, participate in or commit. Her blame was attributed solely to her failure to discover what she did not cause, what was not documented and what was not communicated to her. Her culpability for neglect rests solely with her failure to discover the neglect of others.

d. Petitioner was charged in the notice with "not checking ... (JC) on third shift." Clearly, Petitioner checked on J.C. by:

1. answering J.C.'s ring for service
2. readjusting J.C. on the bed as many as three times
3. attending to J.C.'s catheter
4. communication with J.C. as to this resident's stated needs.

e. The failure to "check" on J.C. later was extended, without formal notice of this allegation, to Petitioner's "failure to turn J.C. every two hours." As to this element of Respondent's allegation:

1. Petitioner understood that she was not to turn J.C. every two hours unless requested by J.C.
2. Previously, Petitioner reported to the nurse in charge that J.C. requested not to be disturbed.
3. It was Petitioner's custom not to turn J.C. unless requested.
4. Petitioner did reposition J.C. by pulling J.C. up as many as three times.

f. No written policy or other specific authority was offered into evidence as to either the manner or mandatory requirement of a turning practice every two hours and the existence of any exceptions. This practice did not require that all residents be turned, if contrary to the resident's verbal commands, i.e. a resident could refuse. By implication, the turning practice was necessary for the comfort of residents and the reduction of bed sores. Evidence, however, was necessary to establish the specifics of this policy and its mandatory practice for this facility, so that Petitioner could adequately prepare and present a defense to this allegation. Petitioner's failure to turn J.C. was Respondent's asserted causative factor that precipitated Respondent's findings of Petitioner's culpable neglect, i.e. her failure to discover the bedpan. The evidence did not establish that the Petitioner's omission or failure to turn J.C. was the proximate cause for the bedpan not being discovered. It was only asserted that had Petitioner turned J.C., she would have discovered the bedpan. Presumptively, turning a resident is for the primary purpose of prevention of bed sores and for the comfort of the resident, not for the discovery of a bedpan unknown to the Petitioner, particularly during the nighttime hours.

10. Petitioner's testimony is judged as credible based upon observation of witness demeanor.
11. Respondent erred in substantiating the finding of neglect against Petitioner of J.C., a nursing home resident.

**DECISION**

That the North Carolina Department of Health and Human Services, Division of Facility Services, Health Care Personnel Registry Section erred when it notified Petitioner of its intent to enter a substantiated finding of neglect against Petitioner of Resident J.C. in the Nurse Aide Registry and the Health Care Personnel Registry. All reference to a finding of neglect and entries of the same are to be removed.

**ORDER**

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714, in accordance with North Carolina General Statute 150B -36(b).

NOTICE

The decision of the Administrative Law Judge in this contested case will be reviewed by the agency making the final decision according to the standards found in G.S. 150B036(b)(b1) and (b2). The agency making the final decision is required to give each party an opportunity to file exceptions to the decision of the Administrative Law Judge and to present written argument to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency that will make the final decision in this contested case is the North Carolina Department of Health and Human Services, Division of Facility Services.

This the 8<sup>h</sup> day of November, 2002.

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Julian Mann, III  
Chief Administrative Law Judge