

NORTH CAROLINA REGISTER

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June 1, 2015

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NORTH CAROLINA REGISTER
Publication Schedule for January 2015 – December 2015

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
29:13	01/02/15	12/08/14	01/17/15	03/03/15	03/20/15	05/01/15	05/2016	09/29/15
29:14	01/15/15	12/19/14	01/30/15	03/16/15	03/20/15	05/01/15	05/2016	10/12/15
29:15	02/02/15	01/09/15	02/17/15	04/06/15	04/20/15	06/01/15	05/2016	10/30/15
29:16	02/16/15	01/26/15	03/03/15	04/17/15	04/20/15	06/01/15	05/2016	11/13/15
29:17	03/02/15	02/09/15	03/17/15	05/01/15	05/20/15	07/01/15	05/2016	11/27/15
29:18	03/16/15	02/23/15	03/31/15	05/15/15	05/20/15	07/01/15	05/2016	12/11/15
29:19	04/01/15	03/11/15	04/16/15	06/01/15	06/22/15	08/01/15	05/2016	12/27/15
29:20	04/15/15	03/24/15	04/30/15	06/15/15	06/22/15	08/01/15	05/2016	01/10/16
29:21	05/01/15	04/10/15	05/16/15	06/30/15	07/20/15	09/01/15	05/2016	01/26/16
29:22	05/15/15	04/24/15	05/30/15	07/14/15	07/20/15	09/01/15	05/2016	02/09/16
29:23	06/01/15	05/08/15	06/16/15	07/31/15	08/20/15	10/01/15	05/2016	02/26/16
29:24	06/15/15	05/22/15	06/30/15	08/14/15	08/20/15	10/01/15	05/2016	03/11/16
30:01	07/01/15	06/10/15	07/16/15	08/31/15	09/21/15	11/01/15	05/2016	03/27/16
30:02	07/15/15	06/23/15	07/30/15	09/14/15	09/21/15	11/01/15	05/2016	04/10/16
30:03	08/03/15	07/13/15	08/18/15	10/02/15	10/20/15	12/01/15	05/2016	04/29/16
30:04	08/17/15	07/27/15	09/01/15	10/16/15	10/20/15	12/01/15	05/2016	05/13/16
30:05	09/01/15	08/11/15	09/16/15	11/02/15	11/20/15	01/01/16	05/2016	05/28/16
30:06	09/15/15	08/24/15	09/30/15	11/16/15	11/20/15	01/01/16	05/2016	06/11/16
30:07	10/01/15	09/10/15	10/16/15	11/30/15	12/21/15	02/01/16	05/2016	06/27/16
30:08	10/15/15	09/24/15	10/30/15	12/14/15	12/21/15	02/01/16	05/2016	07/11/16
30:09	11/02/15	10/12/15	11/17/15	01/02/16	01/20/16	03/01/16	05/2016	07/29/16
30:10	11/16/15	10/23/15	12/01/15	01/15/16	01/20/16	03/01/16	05/2016	08/12/16
30:11	12/01/15	11/05/15	12/16/15	02/01/16	02/22/16	04/01/16	05/2016	08/27/16
30:12	12/15/15	11/20/15	12/30/15	02/15/16	02/22/16	04/01/16	05/2016	09/10/16

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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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 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
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed 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.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 10A NCAC 41A .0101.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://chp.publichealth.nc.gov/>

Proposed Effective Date: October 1, 2015

Public Hearing:

Date: June 22, 2015

Time: 10:00 a.m.

Location: Cardinal Room, 5605 Six Forks Rd., Raleigh, NC

Reason for Proposed Action: Middle East respiratory syndrome (MERS) is an emerging infectious disease first identified in September 2012. It is usually associated with respiratory tract infections and is fatal in approximately 1/3 of cases. This disease can spread rapidly if appropriate control measures are not followed. Chikungunya virus infection was first characterized in Africa in 1952. In December 2013 sustained transmission was identified in the Caribbean Islands and travel associated cases were identified in continental US shortly thereafter. In July 2014 local transmission was identified in Florida. Rapid application of control measures may help limit spread if cases are reported once identified.

It is imperative that public health authorities be rapidly notified when these infections are suspected or confirmed so that appropriate control measures can be implemented to prevent further spread. For this reason, the State Health Director issued a temporary order pursuant to G.S. 130A-141.1 requiring immediate reporting of either condition effective June 23, 2014. An emergency rule was implemented effective on September 2, 2014, followed by a temporary rule that was effective on December 2, 2014. This proposed amendment replaces the temporary rule to require ongoing reporting of MERS and Chikungunya.

Comments may be submitted to: Chris Hoke, 1931 Mail Service Center, Raleigh, NC 27699-1931, phone (919) 707-5006, fax (919) 870-4829, or email chris.hoke@dhhs.nc.gov

Comment period ends: July 31, 2015

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules

Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☒ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
- ☐ **Analysis submitted to Board of Transportation**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact (≥\$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required by G.S. 150B-21.4**

CHAPTER 41 – HEALTH: EPIDEMIOLOGY

SUBCHAPTER 41A – COMMUNICABLE DISEASE CONTROL

SECTION .0100 – REPORTING OF COMMUNICABLE DISEASES

10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- (2) anthrax - immediately;
- (3) botulism - immediately;
- (4) brucellosis - 7 days;
- (5) campylobacter infection - 24 hours;
- (6) chancroid - 24 hours;
- (7) chikungunya virus infection - 24 hours;
- (7)(8) chlamydial infection (laboratory confirmed) - 7 days;
- (8)(9) cholera - 24 hours;
- (9)(10) Creutzfeldt-Jakob disease – 7 days;
- (10)(11) cryptosporidiosis – 24 hours;
- (11)(12) cyclosporiasis – 24 hours;
- (12)(13) dengue - 7 days;

~~(13)~~~~(14)~~ diphtheria - 24 hours;
~~(14)~~~~(15)~~ Escherichia coli, shiga toxin-producing - 24 hours;
~~(15)~~~~(16)~~ ehrlichiosis - 7 days;
~~(16)~~~~(17)~~ encephalitis, arboviral - 7 days;
~~(17)~~~~(18)~~ foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and unknown causes - 24 hours;
~~(18)~~~~(19)~~ gonorrhea - 24 hours;
~~(19)~~~~(20)~~ granuloma inguinale - 24 hours;
~~(20)~~~~(21)~~ Haemophilus influenzae, invasive disease - 24 hours;
~~(21)~~~~(22)~~ Hantavirus infection - 7 days;
~~(22)~~~~(23)~~ Hemolytic-uremic syndrome - 24 hours;
~~(23)~~~~(24)~~ Hemorrhagic fever virus infection - immediately;
~~(24)~~~~(25)~~ hepatitis A - 24 hours;
~~(25)~~~~(26)~~ hepatitis B - 24 hours;
~~(26)~~~~(27)~~ hepatitis B carriage - 7 days;
~~(27)~~~~(28)~~ hepatitis C, acute - 7 days;
~~(28)~~~~(29)~~ human immunodeficiency virus (HIV) infection confirmed - 24 hours;
~~(29)~~~~(30)~~ influenza virus infection causing death - 24 hours;
~~(30)~~~~(31)~~ legionellosis - 7 days;
~~(31)~~~~(32)~~ leprosy - 7 days;
~~(32)~~~~(33)~~ leptospirosis - 7 days;
~~(33)~~~~(34)~~ listeriosis - 24 hours;
~~(34)~~~~(35)~~ Lyme disease - 7 days;
~~(35)~~~~(36)~~ lymphogranuloma venereum - 7 days;
~~(36)~~~~(37)~~ malaria - 7 days;
~~(37)~~~~(38)~~ measles (rubeola) - 24 hours;
~~(38)~~~~(39)~~ meningitis, pneumococcal - 7 days;
~~(39)~~~~(40)~~ meningococcal disease - 24 hours;
~~(41)~~ Middle East respiratory syndrome (MERS) - 24 hours;
~~(40)~~~~(42)~~ monkeypox - 24 hours;
~~(41)~~~~(43)~~ mumps - 7 days;
~~(42)~~~~(44)~~ nongonococcal urethritis - 7 days;
~~(43)~~~~(45)~~ novel influenza virus infection - immediately;
~~(44)~~~~(46)~~ plague - immediately;
~~(45)~~~~(47)~~ paralytic poliomyelitis - 24 hours;
~~(46)~~~~(48)~~ pelvic inflammatory disease - 7 days;
~~(47)~~~~(49)~~ psittacosis - 7 days;
~~(48)~~~~(50)~~ Q fever - 7 days;
~~(49)~~~~(51)~~ rabies, human - 24 hours;
~~(50)~~~~(52)~~ Rocky Mountain spotted fever - 7 days;
~~(51)~~~~(53)~~ rubella - 24 hours;
~~(52)~~~~(54)~~ rubella congenital syndrome - 7 days;
~~(53)~~~~(55)~~ salmonellosis - 24 hours;
~~(54)~~~~(56)~~ severe acute respiratory syndrome (SARS) - 24 hours;
~~(55)~~~~(57)~~ shigellosis - 24 hours;
~~(56)~~~~(58)~~ smallpox - immediately;
~~(57)~~~~(59)~~ Staphylococcus aureus with reduced susceptibility to vancomycin - 24 hours;
~~(58)~~~~(60)~~ streptococcal infection, Group A, invasive disease - 7 days;
~~(59)~~~~(61)~~ syphilis - 24 hours;

~~(60)~~~~(62)~~ tetanus - 7 days;
~~(61)~~~~(63)~~ toxic shock syndrome - 7 days;
~~(62)~~~~(64)~~ trichinosis - 7 days;
~~(63)~~~~(65)~~ tuberculosis - 24 hours;
~~(64)~~~~(66)~~ tularemia - immediately;
~~(65)~~~~(66)~~ typhoid - 24 hours;
~~(66)~~~~(67)~~ typhoid carriage (Salmonella typhi) - 7 days;
~~(67)~~~~(68)~~ typhus, epidemic (louse-borne) - 7 days;
~~(68)~~~~(69)~~ vaccinia - 24 hours;
~~(69)~~~~(70)~~ vibrio infection (other than cholera) - 24 hours;
~~(70)~~~~(71)~~ whooping cough - 24 hours; and
~~(71)~~~~(72)~~ yellow fever - 7 days.

(b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive virus culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.

(c) In addition to the laboratory reports for Mycobacterium tuberculosis, Neisseria gonorrhoeae, and syphilis specified in G.S. 130A-139, laboratories shall report:

- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
 - (A) Any hantavirus or hemorrhagic fever virus.
 - (B) Arthropod-borne virus (any type).
 - (C) Bacillus anthracis, the cause of anthrax.
 - (D) Bordetella pertussis, the cause of whooping cough (pertussis).
 - (E) Borrelia burgdorferi, the cause of Lyme disease (confirmed tests).
 - (F) Brucella spp., the causes of brucellosis.
 - (G) Campylobacter spp., the causes of campylobacteriosis.
 - (H) Chlamydia trachomatis, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
 - (I) Clostridium botulinum, a cause of botulism.
 - (J) Clostridium tetani, the cause of tetanus.
 - (K) Corynebacterium diphtheriae, the cause of diphtheria.
 - (L) Coxiella burnetii, the cause of Q fever.
 - (M) Cryptosporidium parvum, the cause of human cryptosporidiosis.
 - (N) Cyclospora cayentanesis, the cause of cyclosporiasis.

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|--|---|
| <p>(O) Ehrlichia spp., the causes of ehrlichiosis.</p> <p>(P) Shiga toxin-producing Escherichia coli, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.</p> <p>(Q) Francisella tularensis, the cause of tularemia.</p> <p>(R) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.</p> <p>(S) Human Immunodeficiency Virus, the cause of AIDS.</p> <p>(T) Legionella spp., the causes of legionellosis.</p> <p>(U) Leptospira spp., the causes of leptospirosis.</p> <p>(V) Listeria monocytogenes, the cause of listeriosis.</p> <p>(W) Middle East respiratory syndrome virus.</p> <p>(W)(X) Monkeypox.</p> <p>(X)(Y) Mycobacterium leprae, the cause of leprosy.</p> <p>(Y)(Z) Plasmodium falciparum, P. malariae, P. ovale, and P. vivax, the causes of malaria in humans.</p> <p>(Z)(AA) Poliovirus (any), the cause of poliomyelitis.</p> <p>(AA)(BB) Rabies virus.</p> <p>(BB)(CC) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.</p> <p>(CC)(DD) Rubella virus.</p> <p>(DD)(EE) Salmonella spp., the causes of salmonellosis.</p> <p>(EE)(FF) Shigella spp., the causes of shigellosis.</p> <p>(FF)(GG) Smallpox virus, the cause of smallpox.</p> <p>(GG)(HH) Staphylococcus aureus with reduced susceptibility to vanomycin.</p> <p>(HH)(II) Trichinella spiralis, the cause of trichinosis.</p> <p>(H)(JJ) Vaccinia virus.</p> <p>(JJ)(KK) Vibrio spp., the causes of cholera and other vibrioses.</p> <p>(KK)(LL) Yellow fever virus.</p> <p>(LL)(MM) Yersinia pestis, the cause of plague.</p> | <p>(2) Isolation or other specific identification of the following organisms from normally sterile human body sites:</p> <p>(A) Group A Streptococcus pyogenes (group A streptococci).</p> <p>(B) Haemophilus influenzae, serotype b.</p> <p>(C) Neisseria meningitidis, the cause of meningococcal disease.</p> <p>(3) Positive serologic test results, as specified, for the following infections:</p> <p>(A) Fourfold or greater changes or equivalent changes in serum antibody titers to:</p> <p>(i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.</p> <p>(ii) Any hantavirus or hemorrhagic fever virus.</p> <p>(iii) Chlamydia psittaci, the cause of psittacosis.</p> <p>(iv) Coxiella burnetii, the cause of Q fever.</p> <p>(v) Dengue virus.</p> <p>(vi) Ehrlichia spp., the causes of ehrlichiosis.</p> <p>(vii) Measles (rubeola) virus.</p> <p>(viii) Mumps virus.</p> <p>(ix) Rickettsia rickettsii, the cause of Rocky Mountain spotted fever.</p> <p>(x) Rubella virus.</p> <p>(xi) Yellow fever virus.</p> <p>(B) The presence of IgM serum antibodies to:</p> <p>(i) Chlamydia psittaci.</p> <p>(ii) Hepatitis A virus.</p> <p>(iii) Hepatitis B virus core antigen.</p> <p>(iv) Rubella virus.</p> <p>(v) Rubeola (measles) virus.</p> <p>(vi) Yellow fever virus.</p> <p>(4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.</p> |
|--|---|

Authority G.S. 130A-134; 130A-135; 130A-139; 130A-141.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on April 16, 2015.

**REGISTER CITATION TO THE
NOTICE OF TEXT****ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Riparian Buffer Mitigation Fees to the NC Ecosystem Enhanc...</u>	15A	NCAC	02B	.0269*	G.S. 150B-21.5(a)(3)
<u>Emission Rates Requiring a Permit</u>	15A	NCAC	02Q	.0711*	29:08 NCR

MARINE FISHERIES COMMISSION

<u>Definitions</u>	15A	NCAC	03I	.0101*	29:07 NCR
<u>User Conflict Resolution</u>	15A	NCAC	03I	.0122*	29:07 NCR
<u>Duke Energy Progress Brunswick Nuclear Plant Intake</u>	15A	NCAC	03J	.0207	29:07 NCR
<u>New River</u>	15A	NCAC	03J	.0208	29:07 NCR
<u>Albemarle Sound/Chowan River River Herring Management Areas</u>	15A	NCAC	03J	.0209	29:07 NCR
<u>Pots</u>	15A	NCAC	03J	.0301*	29:07 NCR
<u>Permits to Use Mechanical Methods for Shellfish on</u>	15A	NCAC	03K	.0111*	29:07 NCR
<u>Permits to Use Mechanical Methods for Oysters and</u>	15A	NCAC	03K	.0206	29:07 NCR
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<u>Bay Scallop Harvest Management</u>	15A	NCAC	03K	.0501*	29:07 NCR
<u>Taking Bay Scallops at Night and on Weekends</u>	15A	NCAC	03K	.0502	29:07 NCR
<u>Marketing Scallops Taken from Shellfish Leases or Franchises</u>	15A	NCAC	03K	.0507*	29:07 NCR
<u>Scallop Season and Harvest Limit Exemptions</u>	15A	NCAC	03K	.0508*	29:07 NCR
<u>Shrimp Harvest Restrictions</u>	15A	NCAC	03L	.0101	29:07 NCR
<u>Prohibited Nets, Mesh Lengths and Areas</u>	15A	NCAC	03L	.0103*	29:07 NCR
<u>Recreational Shrimp Limits</u>	15A	NCAC	03L	.0105*	29:07 NCR
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<u>Procedures and Requirements to Obtain Licenses, Endorseme...</u>	15A	NCAC	03O	.0101*	29:07 NCR
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<u>Procedures and Requirements to Obtain Permits</u>	15A	NCAC	03O	.0501*	29:07 NCR
<u>Permit Conditions; Specific</u>	15A	NCAC	03O	.0503*	29:07 NCR
<u>Descriptive Boundaries for Coastal-Joint-Inland Waters</u>	15A	NCAC	03Q	.0202*	29:07 NCR
<u>Shrimp Trawl Prohibited Areas</u>	15A	NCAC	03R	.0114*	29:07 NCR
<u>Anadromous Fish Spawning Areas</u>	15A	NCAC	03R	.0115*	29:07 NCR
<u>River Herring Management Areas</u>	15A	NCAC	03R	.0202	29:07 NCR

COASTAL RESOURCES COMMISSION

<u>Single Family Residences Exempted</u>	15A	NCAC	07K	.0208*	29:11 NCR
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WILDLIFE RESOURCES COMMISSION

<u>Migratory Game Birds</u>	15A	NCAC	10B	.0105*	29:11	NCR
<u>Dog Training and Field Trials</u>	15A	NCAC	10B	.0114	29:11	NCR
<u>Bear</u>	15A	NCAC	10B	.0202*	29:11	NCR
<u>Deer (White Tailed)</u>	15A	NCAC	10B	.0203*	29:11	NCR
<u>Feral Swine</u>	15A	NCAC	10B	.0223*	29:11	NCR
<u>Trappers and Hunters</u>	15A	NCAC	10B	.0404*	29:11	NCR
<u>Public Mountain Trout Waters</u>	15A	NCAC	10C	.0205*	29:11	NCR
<u>Trotlines and Set-Hooks</u>	15A	NCAC	10C	.0206*	29:11	NCR
<u>Crappie</u>	15A	NCAC	10C	.0306	29:11	NCR
<u>Striped Bass</u>	15A	NCAC	10C	.0314*	29:11	NCR
<u>Trout</u>	15A	NCAC	10C	.0316	29:11	NCR
<u>Manner of Taking Nongame Fishes: Purchase and Sale</u>	15A	NCAC	10C	.0401*	29:11	NCR
<u>Taking Nongame Fishes for Bait or Personal Consumption</u>	15A	NCAC	10C	.0402*	29:11	NCR
<u>Permitted Special Devices and Open Seasons</u>	15A	NCAC	10C	.0407	29:11	NCR
<u>General Regulations Regarding Use</u>	15A	NCAC	10D	.0102*	29:11	NCR
<u>Hunting On Game Lands</u>	15A	NCAC	10D	.0103*	29:11	NCR
<u>Fishing on Game Lands</u>	15A	NCAC	10D	.0104*	29:11	NCR
<u>Currituck County</u>	15A	NCAC	10F	.0340	29:11	NCR

WELL CONTRACTORS CERTIFICATION COMMISSION

<u>Requirements</u>	15A	NCAC	27	.0801*	29:12	NCR
<u>Approval of Continuing Education Courses</u>	15A	NCAC	27	.0810*	29:12	NCR
<u>Determination of Credit</u>	15A	NCAC	27	.0820*	29:12	NCR
<u>Special Provisions for Continuing Education</u>	15A	NCAC	27	.0840	29:12	NCR

MEDICAL BOARD

<u>Definitions</u>	21	NCAC	32S	.0201*	29:14	NCR
<u>Qualifications and Requirements for License</u>	21	NCAC	32S	.0202*	29:14	NCR
<u>Agency</u>	21	NCAC	32S	.0211	29:14	NCR
<u>Prescriptive Authority</u>	21	NCAC	32S	.0212*	29:14	NCR
<u>Supervision of Physician Assistants</u>	21	NCAC	32S	.0213*	29:14	NCR
<u>Supervising Physician</u>	21	NCAC	32S	.0214	29:14	NCR
<u>Responsibilities of Primary Supervising Physicians in</u>	21	NCAC	32S	.0215	29:14	NCR
<u>Continuing Medical Education</u>	21	NCAC	32S	.0216*	29:14	NCR
<u>Violations</u>	21	NCAC	32S	.0217*	29:14	NCR
<u>Scope of Rules</u>	21	NCAC	32S	.0224*	29:14	NCR
<u>Reporting Criteria</u>	21	NCAC	32Y	.0101*	29:14	NCR

REAL ESTATE COMMISSION

<u>Agency Agreements and Disclosure</u>	21	NCAC	58A	.0104*	29:12	NCR
<u>Advertising</u>	21	NCAC	58A	.0105*	29:12	NCR
<u>Handling of Trust Money</u>	21	NCAC	58A	.0116*	29:12	NCR
<u>Mineral and Oil and Gas Rights Mandatory Disclosure</u>	21	NCAC	58A	.0119*	29:12	NCR
<u>Examination Subject Matter, Format, and Passing Scores</u>	21	NCAC	58A	.0402*	29:12	NCR

APPROVED RULES

<u>Business Entities</u>	21	NCAC	58A	.0502*	29:12 NCR
<u>Continuing Education Required of Nonresident Licensees</u>	21	NCAC	58A	.1711*	29:12 NCR
<u>Request for Examinations and Video Recordings</u>	21	NCAC	58C	.0605*	29:12 NCR
<u>Application and Criteria for Original Approval</u>	21	NCAC	58E	.0203*	29:12 NCR
<u>Active and Inactive Status: Renewal of Approval</u>	21	NCAC	58E	.0204*	29:12 NCR
<u>Application for Original Approval</u>	21	NCAC	58E	.0303*	29:12 NCR
<u>Request for a Video Recording</u>	21	NCAC	58E	.0308*	29:12 NCR
<u>Change in Sponsor Ownership</u>	21	NCAC	58E	.0408*	29:12 NCR
<u>Changes During Approval Period</u>	21	NCAC	58E	.0409*	29:12 NCR
<u>Denial or Withdrawal of Approval</u>	21	NCAC	58E	.0412*	29:12 NCR
<u>Advertising, Providing Course Information</u>	21	NCAC	58E	.0505*	29:12 NCR

STATE HUMAN RESOURCES COMMISSION

<u>Employee Objection to Material in File</u>	25	NCAC	01C	.0311*	29:11 NCR
<u>Covered Employees and Leave Credits</u>	25	NCAC	01E	.1603*	29:11 NCR
<u>Denial of Veterans' Preference</u>	25	NCAC	01H	.1103*	29:11 NCR
<u>Settlements/Consent Agreements in Grievances.</u>	25	NCAC	01J	.1304*	29:11 NCR

These Rules are subject to the Legislative Session that began in January 2015.

MARINE FISHERIES COMMISSION

<u>River Herring</u>	15A	NCAC	03M	.0513	29:07 NCR
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WILDLIFE RESOURCES COMMISSION

<u>Wildlife Taken for Depredations</u>	15A	NCAC	10B	.0106*	29:14 NCR
<u>Coyote</u>	15A	NCAC	10B	.0219*	29:14 NCR
<u>Protection of Endangered/Threatened/Special Concern</u>	15A	NCAC	10I	.0102*	29:14 NCR
<u>Threatened Species</u>	15A	NCAC	10I	.0104*	29:14 NCR

**TITLE 15A – DEPARTMENT OF ENVIROMENT AND
NATURAL RESOURCES****15A NCAC 02B .0269 RIPARIAN BUFFER
MITIGATION FEES TO THE NC ECOSYSTEM
ENHANCEMENT PROGRAM**

The following is the process for payment of fees to the Riparian Buffer Restoration Fund administered by the North Carolina Ecosystem Enhancement Program as one option to mitigate riparian buffer impacts allowed under rules in 15A NCAC 02B. Persons who wish to use this option shall first meet the criteria established for doing so in the buffer rules in 15A NCAC 02B that reference this Rule. Such buffer rules include, but may not be limited to 15A NCAC 02B .0295. Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Riparian Buffer Restoration Fund as allowed here shall use the following procedure:

- (1) **SCHEDULE OF FEES:** The amount of payment into the Fund shall be based on the costs of riparian buffer restoration. The payment amount shall be determined by multiplying the acres or square feet of

mitigation required under other rules in 15A NCAC 02B by an initial value of ninety-six cents per square foot or forty-one thousand eight hundred and eighteen dollars per acre (\$41,818/acre). This initial per-acre rate shall be adjusted in January of each year by staff of the NC Ecosystem Enhancement Program based upon the construction cost index factor published every December in the Engineering News Record. The Engineering News Record is hereby incorporated by reference including subsequent amendments and editions, and is located at <http://enr.construction.com/economics/> at an annual subscription cost of forty-nine dollars and ninety-nine cents (\$49.99).

- (2) The required fee shall be submitted to the N.C. Ecosystem Enhancement Program (NC EEP), 1652 Mail Service Center, Raleigh, NC 27699-1652 prior to any activity that results in the removal or degradation of the protected riparian buffer for which a "no practical alternatives"

- determination has been made pursuant to requirements of other rules in 15A NCAC 02B.
- (3) The payment of a compensatory mitigation fee may be fully or partially satisfied by donation of real property interests pursuant to requirements of other rules in this Subchapter.

History Note: Authority G.S. 143-214.1; 143-214.5; 143-214.5(i); 143-214.7; 143-214.12; 143-214.21; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C; 143-215.8B; 143B-282(c); 143B-282(d); S.L. 2005-190; S.L. 2006-259; Eff. August 11, 2009; Amended Eff. May 1, 2015.

15A NCAC 02Q .0711 EMISSION RATES REQUIRING A PERMIT

(a) A permit to emit toxic air pollutants shall be required for any facility where one or more emission release points are obstructed or non-vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
acetaldehyde (75-07-0)				6.8
acetic acid (64-19-7)				0.96
acrolein (107-02-8)				0.02
acrylonitrile (107-13-1)		0.4	0.22	
ammonia (7664-41-7)				0.68
aniline (62-53-3)			0.25	
arsenic and inorganic arsenic compounds	0.053			
asbestos (1332-21-4)	5.7×10^{-3}			
aziridine (151-56-4)		0.13		
benzene (71-43-2)	8.1			
benzidine and salts (92-87-5)	0.0010			
benzo(a)pyrene (50-32-8)	2.2			
benzyl chloride (100-44-7)			0.13	
beryllium (7440-41-7)	0.28			
beryllium chloride (7787-47-5)	0.28			
beryllium fluoride (7787-49-7)	0.28			
beryllium nitrate (13597-99-4)	0.28			
bioavailable chromate pigments, as chromium (VI) equivalent	0.0056			
bis-chloromethyl ether (542-88-1)	0.025			
bromine (7726-95-6)				0.052
1,3-butadiene (106-99-0)	11			
cadmium (7440-43-9)	0.37			
cadmium acetate (543-90-8)	0.37			
cadmium bromide (7789-42-6)	0.37			
carbon disulfide (75-15-0)		3.9		
carbon tetrachloride (56-23-5)	460			
chlorine (7782-50-5)		0.79		0.23
chlorobenzene (108-90-7)		46		
chloroform (67-66-3)	290			
chloroprene (126-99-8)		9.2	0.89	
cresol (1319-77-3)			0.56	
p-dichlorobenzene (106-46-7)				16.8
dichlorodifluoromethane (75-71-8)		5200		
dichlorofluoromethane (75-43-4)		10		
di(2-ethylhexyl)phthalate (117-81-7)		0.63		
dimethyl sulfate (77-78-1)		0.063		
1,4-dioxane (123-91-1)		12		
epichlorohydrin (106-89-8)	5600			
ethyl acetate (141-78-6)			36	

APPROVED RULES

ethylenediamine (107-15-3)		6.3	0.64	
ethylene dibromide (106-93-4)	27			
ethylene dichloride (107-06-2)	260			
ethylene glycol monoethyl ether (110-80-5)		2.5	0.48	
ethylene oxide (75-21-8)	1.8			
ethyl mercaptan (75-08-1)			0.025	
fluorides		0.34	0.064	
formaldehyde (50-00-0)				0.04
hexachlorocyclopentadiene (77-47-4)		0.013	0.0025	
hexachlorodibenzo-p-dioxin (57653- 85-7)	0.0051			
n-hexane (110-54-3)		23		
hexane isomers except n-hexane				92
hydrazine (302-01-2)		0.013		
hydrogen chloride (7647-01-0)				0.18
hydrogen cyanide (74-90-8)		2.9	0.28	
hydrogen fluoride (7664-39-3)		0.63		0.064
hydrogen sulfide (7783-06-4)		1.7		
maleic anhydride (108-31-6)		0.25	0.025	
manganese and compounds		0.63		
manganese cyclopentadienyl tricarbonyl (12079-65-1)		0.013		
manganese tetroxide (1317-35-7)		0.13		
mercury, alkyl		0.0013		
mercury, aryl and inorganic compounds		0.013		
mercury, vapor (7439-97-6)		0.013		
methyl chloroform (71-55-6)		250		64
methylene chloride (75-09-2)	1600		0.39	
methyl ethyl ketone (78-93-3)		78		22.4
methyl isobutyl ketone (108-10-1)		52		7.6
methyl mercaptan (74-93-1)			0.013	
nickel carbonyl (13463-39-3)		0.013		
nickel metal (7440-02-0)		0.13		
nickel, soluble compounds, as nickel		0.013		
nickel subsulfide (12035-72-2)	0.14			
nitric acid (7697-37-2)				0.256
nitrobenzene (98-95-3)		1.3	0.13	
n-nitrosodimethylamine (62-75-9)	3.4			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	0.0056			
pentachlorophenol (87-86-5)		0.063	0.0064	
perchloroethylene (127-18-4)	13000			
phenol (108-95-2)			0.24	
phosgene (75-44-5)		0.052		
phosphine (7803-51-2)				0.032
polychlorinated biphenyls (1336-36- 3)	5.6			
soluble chromate compounds, as chromium (VI) equivalent		0.013		
styrene (100-42-5)			2.7	
sulfuric acid (7664-93-9)		0.25	0.025	
tetrachlorodibenzo-p-dioxin (1746- 01-6)	0.00020			
1,1,1,2-tetrachloro-2,2,-difluoroethane (76-11-9)		1100		
1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0)		1100		
1,1,2,2-tetrachloroethane (79-34-5)	430			

APPROVED RULES

toluene (108-88-3)		98		14.4
toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers		0.003		
trichloroethylene (79-01-6)	4000			
trichlorofluoromethane (75-69-4)			140	
1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1)				240
vinyl chloride (75-01-4)	26			
vinylidene chloride (75-35-4)		2.5		
xylene (1330-20-7)		57		16.4

(b) A permit to emit toxic air pollutants shall be required for any facility where all emission release points are unobstructed and vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
acetaldehyde (75-07-0)				28.43
acetic acid (64-19-7)				3.90
acrolein (107-02-8)				0.08
acrylonitrile (107-13-1)		1.3	1.05	
ammonia (7664-41-7)				2.84
aniline (62-53-3)			1.05	
arsenic and inorganic arsenic compounds	0.194			
asbestos (1332-21-4)	7.748×10^{-3}			
aziridine (151-56-4)		0.3		
benzene (71-43-2)	11.069			
benzidine and salts (92-87-5)	1.384×10^{-3}			
benzo(a)pyrene (50-32-8)	3.044			
benzyl chloride (100-44-7)			0.53	
beryllium (7440-41-7)	0.378			
beryllium chloride (7787-47-5)	0.378			
beryllium fluoride (7787-49-7)	0.378			
beryllium nitrate (13597-99-4)	0.378			
bioavailable chromate pigments, as chromium (VI) equivalent	0.008			
bis-chloromethyl ether (542-88-1)	0.034			
bromine (7726-95-6)				0.21
1,3-butadiene (106-99-0)	40.585			
cadmium (7440-43-9)	0.507			
cadmium acetate (543-90-8)	0.507			
cadmium bromide (7789-42-6)	0.507			
carbon disulfide (75-15-0)		7.8		
carbon tetrachloride (56-23-5)	618.006			
chlorine (7782-50-5)		1.6		0.95
chlorobenzene (108-90-7)		92.7		
chloroform (67-66-3)	396.631			
chloroprene (126-99-8)		18.5	3.69	
cresol (1319-77-3)			2.32	
p-dichlorobenzene (106-46-7)				69.50
dichlorodifluoromethane (75-71-8)		10445.4		
dichlorofluoromethane (75-43-4)		21.1		
di(2-ethylhexyl)phthalate (117-81-7)		1.3		
dimethyl sulfate (77-78-1)		0.1		
1,4-dioxane (123-91-1)		23.6		

APPROVED RULES

epichlorohydrin (106-89-8)	7655.891			
ethyl acetate (141-78-6)			147.41	
ethylenediamine (107-15-3)		12.6	2.63	
ethylene dibromide (106-93-4)	36.896			
ethylene dichloride (107-06-2)	350.511			
ethylene glycol monoethyl ether (110-80-5)		5.1	2.00	
ethylene oxide (75-21-8)	2.490			
ethyl mercaptan (75-08-1)			0.11	
fluorides		0.7	0.26	
formaldehyde (50-00-0)				0.16
hexachlorocyclopentadiene (77-47-4)		2.5×10^{-2}	0.01	
hexachlorodibenzo-p-dioxin (57653- 85-7)	0.007			
n-hexane (110-54-3)		46.3		
hexane isomers except n-hexane				379.07
hydrazine (302-01-2)		2.5×10^{-2}		
hydrogen chloride (7647-01-0)				0.74
hydrogen cyanide (74-90-8)		5.9	1.16	
hydrogen fluoride (7664-39-3)		1.3		0.26
hydrogen sulfide (7783-06-4)		5.1		
maleic anhydride (108-31-6)		0.5	0.11	
manganese and compounds		1.3		
manganese cyclopentadienyl tricarbonyl (12079-65-1)		2.5×10^{-2}		
manganese tetroxide (1317-35-7)		0.3		
mercury, alkyl		2.5×10^{-3}		
mercury, aryl and inorganic compounds		2.5×10^{-2}		
mercury, vapor (7439-97-6)		2.5×10^{-2}		
methyl chloroform (71-55-6)		505.4		257.98
methylene chloride (75-09-2)	2213.752		1.79	
methyl ethyl ketone (78-93-3)		155.8		93.19
methyl isobutyl ketone (108-10-1)		107.8		31.59
methyl mercaptan (74-93-1)			0.05	
nickel carbonyl (13463-39-3)		2.5×10^{-2}		
nickel metal (7440-02-0)		0.3		
nickel, soluble compounds, as nickel		2.5×10^{-2}		
nickel subsulfide (12035-72-2)	0.194			
nitric acid (7697-37-2)				1.05
nitrobenzene (98-95-3)		2.5	0.53	
n-nitrosodimethylamine (62-75-9)	4.612			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	0.008			
pentachlorophenol (87-86-5)		0.1	0.03	
perchloroethylene (127-18-4)	17525.534			
phenol (108-95-2)			1.00	
phosgene (75-44-5)		0.1		
phosphine (7803-51-2)				0.14
polychlorinated biphenyls (1336-36- 3)	7.656			
soluble chromate compounds, as chromium (VI) equivalent		2.6×10^{-2}		
styrene (100-42-5)			11.16	
sulfuric acid (7664-93-9)		0.5	0.11	
tetrachlorodibenzo-p-dioxin (1746- 01-6)	2.767×10^{-4}			
1,1,1,2-tetrachloro-2,2,-difluoroethane (76-11-9)		2190.2		

1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0)		2190.2		
1,1,2,2-tetrachloroethane (79-34-5)	581.110			
toluene (108-88-3)		197.96		58.97
toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers		8.4 x 10 ⁻³		
trichloroethylene (79-01-6)	5442.140			
trichlorofluoromethane (75-69-4)			589.66	
1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1)				1000.32
vinyl chloride (75-01-4)	35.051			
vinylidene chloride (75-35-4)		5.1		
xylene (1330-20-7)		113.7		68.44

(c) For the following pollutants, the highest emissions occurring for any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a) or (b) as applicable. These pollutants are:

- (1) acetaldehyde (75-07-0);
- (2) acetic acid (64-19-7);
- (3) acrolein (107-02-8);
- (4) ammonia (7664-41-7);
- (5) bromine (7726-95-6);
- (6) chlorine (7782-50-5);
- (7) formaldehyde (50-00-0);
- (8) hydrogen chloride (7647-01-0);
- (9) hydrogen fluoride (7664-39-3); and
- (10) nitric acid (7697-37-2).

History Note: Authority G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282;

Rule originally codified as part of 15A NCAC 02H .0610;

Eff. July 1, 1998;

Amended Eff. May 1, 2015; May 1, 2014; January 1, 2010; June 1, 2008; April 1, 2005; February 1, 2005; April 1, 2001.

15A NCAC 03I .0101 DEFINITIONS

All definitions set out in G.S. 113, Subchapter IV and the following additional terms apply to this Chapter:

- (1) Enforcement and management terms:
 - (a) Commercial Quota. Total quantity of fish allocated for harvest by commercial fishing operations.
 - (b) Educational Institution. A college, university, or community college accredited by an accrediting agency recognized by the U.S. Department of Education; an Environmental Education Center certified by the N.C. Department of Environment and Natural Resources Office of Environmental Education and Public Affairs; or a zoo or aquarium certified

by the Association of Zoos and Aquariums.

(c) Internal Coastal Waters or Internal Waters. All Coastal Fishing Waters except the Atlantic Ocean.

(d) Length of finfish.

(i) Curved fork length. A length determined by measuring along a line tracing the contour of the body from the tip of the upper jaw to the middle of the fork in the caudal (tail) fin.

(ii) Fork length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the middle of the fork in the caudal (tail) fin, except that fork length for billfish is measured from the tip of the lower jaw to the middle of the fork of the caudal (tail) fin.

(iii) Pectoral fin curved fork length. A length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork of the tail measured along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.

(iv) Total length. A length determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.

(e) Recreational Possession Limit. Restrictions on size, quantity, season,

- time period, area, means, and methods where take or possession is for a recreational purpose.
- (f) **Recreational Quota.** Total quantity of fish allocated for harvest for a recreational purpose.
- (g) **Regular Closed Oyster Season.** March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.
- (h) **Scientific Institution.** One of the following entities:
 - (i) An educational institution as defined in this Item;
 - (ii) A state or federal agency charged with the management of marine or estuarine resources; or
 - (iii) A professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in Subitems (h)(i) and (ii) of this Item.
- (i) **Seed Oyster Management Area.** An open harvest area that, by reason of poor growth characteristics, predation rates, overcrowding or other factors, experiences poor utilization of oyster populations for direct harvest and sale to licensed dealers and is designated by the Marine Fisheries Commission as a source of seed for public and private oyster culture.
- (2) **Fishing Activities:**
 - (a) **Aquaculture operation.** An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from permitted sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:
 - (i) food;
 - (ii) predator protection;
 - (iii) salinity;
 - (iv) temperature controls; or
 - (v) water circulation, utilizing technology not found in the natural environment.
 - (b) **Attended.** Being in a vessel, in the water or on the shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.
 - (c) **Blue Crab Shedding.** The process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:
 - (i) food;
 - (ii) predator protection;
 - (iii) salinity;
 - (iv) temperature controls; or
 - (v) water circulation, utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.
 - (d) **Depuration.** Purification or the removal of adulteration from live oysters, clams, or mussels by any natural or artificially controlled means.
 - (e) **Long Haul Operations.** Fishing a seine towed between two vessels.
 - (f) **Peeler Crab.** A blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.
 - (g) **Possess.** Any actual or constructive holding whether under claim of ownership or not.
 - (h) **Recreational Purpose.** A fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.
 - (i) **Shellfish marketing from leases and franchises.** The harvest of oysters, clams, scallops, or mussels from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
 - (j) **Shellfish planting effort on leases and franchises.** The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
 - (k) **Shellfish production on leases and franchises:**

- (i) The culture of oysters, clams, scallops, or mussels on shellfish leases and franchises from a sublegal harvest size to a marketable size.
 - (ii) The transplanting (relay) of oysters, clams, scallops, or mussels from areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
 - (l) Swipe Net Operations. Fishing a seine towed by one vessel.
 - (m) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
 - (n) Use. Employ, set, operate, or permit to be operated or employed.
- (3) Gear:
- (a) Bunt Net. The last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
 - (b) Channel Net. A net used to take shrimp that is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a vessel.
 - (c) Commercial Fishing Equipment or Gear. All fishing equipment used in Coastal Fishing Waters except:
 - (i) Cast nets;
 - (ii) Collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;
 - (iii) Dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;
 - (iv) Gigs or other pointed implements that are propelled by hand, whether or not the implement remains in the hand;
 - (v) Hand operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;
 - (d) Corkline. The support structure a net is attached to that is nearest to the water surface when in use. Corkline length is measured from the outer most mesh knot at one end of the corkline following along the line to the outer most mesh knot at the opposite end of the corkline.
 - (e) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
 - (f) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
 - (g) Fyke Net. An entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
 - (h) Gill Net. A net set vertically in the water to capture fish by entanglement of the gills in its mesh as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.
 - (vi) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;
 - (vii) Landing nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;
 - (viii) Minnow traps when no more than two are in use;
 - (ix) Seines less than 30 feet in length;
 - (x) Spears, Hawaiian slings, or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.

- (i) Headrope. The support structure for the mesh or webbing of a trawl that is nearest to the water surface when in use. Headrope length is measured from the outer most mesh knot at one end of the headrope following along the line to the outer most mesh knot at the opposite end of the headrope.
 - (j) Hoop Net. An entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
 - (k) Lead. A mesh or webbing structure consisting of nylon, monofilament, plastic, wire, or similar material set vertically in the water and held in place by stakes or anchors to guide fish into an enclosure. Lead length is measured from the outer most end of the lead along the top or bottom line, whichever is longer, to the opposite end of the lead.
 - (l) Mechanical methods for clamming. Dredges, hydraulic clam dredges, stick rakes, and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
 - (m) Mechanical methods for oystering. Dredges, patent tongs, stick rakes, and other rakes when towed by engine power, and any other method that utilizes mechanical means to harvest oysters.
 - (n) Mesh Length. The distance from the inside of one knot to the outside of the opposite knot, when the net is stretched hand-tight in a manner that closes the mesh opening.
 - (o) Pound Net Set. A fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.
 - (p) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
 - (q) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.
- (4) Fish habitat areas. The estuarine and marine areas that support juvenile and adult populations of fish species, as well as forage species utilized in the food chain. Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the early growth and development of fish species. Fish habitats in all Coastal Fishing Waters, as determined through marine and estuarine survey sampling, include:
- (a) Anadromous fish nursery areas. Those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
 - (b) Anadromous fish spawning areas. Those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
 - (c) Coral:
 - (i) Fire corals and hydrocorals (Class Hydrozoa);
 - (ii) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
 - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp.) and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
 - (d) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
 - (e) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
 - (i) Coralline algae (Division Rhodophyta);

- (ii) Acetabularia sp., mermaid's fan and cups (Udotea sp.), watercress (Halimeda sp.), green feather, green grape algae (Caulerpa sp.) (Division Chlorophyta);
- (iii) Sargassum sp., Dictyopteris sp., Zonaria sp. (Division Phaeophyta);
- (iv) Sponges (Phylum Porifera);
- (v) Hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, Solengastrea (Class Anthozoa);
- (vi) Bryozoans (Phylum Bryozoa);
- (vii) Tube worms (Phylum Annelida), fan worms (Sabellidae), feather duster and Christmas treeworms (Serpulidae), and sand castle worms (Sabellaridae);
- (viii) Mussel banks (Phylum Mollusca: Gastropoda); and
- (ix) Acorn barnacles (Arthropoda: Crustacea: Semibalanus sp.).
- (f) Nursery areas. Areas that for reasons such as food, cover, bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size that have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.
- (g) Shellfish producing habitats. Historic or existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (h) Strategic Habitat Areas. Locations of individual fish habitats or systems of habitats that provide exceptional habitat functions or that are particularly at risk due to imminent threats, vulnerability, or rarity.
- (i) Submerged aquatic vegetation (SAV) habitat. Submerged lands that:
 - (i) are vegetated with one or more species of submerged aquatic vegetation including bushy pondweed or southern naiad (Najas guadalupensis), coontail (Ceratophyllum demersum), eelgrass (Zostera marina), horned pondweed (Zannichellia palustris), naiads (Najas spp.), redhead grass (Potamogeton perfoliatus), sago pondweed (Stuckenia pectinata, formerly Potamogeton pectinatus), shoalgrass (Halodule wrightii), slender pondweed (Potamogeton pusillus), water stargrass (Heteranthera dubia), water starwort (Callitriche heterophylla), waterweeds (Elodea spp.), widgeongrass (Ruppia maritima), and wild celery (Vallisneria americana). These areas may be identified by the presence of above-ground leaves, below-ground rhizomes, or reproductive structures associated with one or more SAV species and include the sediment within these areas; or
 - (ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i) of this Rule within the past 10 annual growing seasons and that meet the average physical requirements of water depth (six feet or less), average light availability (secchi depth of one foot or more), and limited wave exposure that characterize the environment suitable for growth of SAV. The past presence of SAV may be

demonstrated by aerial photography, SAV survey, map, or other documentation. An extension of the past 10 annual growing seasons criteria may be considered when average environmental conditions are altered by drought, rainfall, or storm force winds.

This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition, or this Rule or Rules 03K .0304 and .0404, to apply to or conflict with the non-development control activities authorized by that Act.

(5) Licenses, permits, leases and franchises, and record keeping:

- (a) Assignment. Temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, and is still the responsible party for the license.
- (b) Designee. Any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
- (c) For Hire Vessel. As defined by G.S. 113-174, when the vessel is fishing in state waters or when the vessel originates from or returns to a North Carolina port.
- (d) Holder. A person who has been lawfully issued in his or her name a license, permit, franchise, lease, or assignment.
- (e) Land:
 - (i) For commercial fishing operations, when fish reach the shore or a structure connected to the shore.
 - (ii) For purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when fish reach the shore or a

structure connected to the shore.

- (iii) For recreational fishing operations, when fish are retained in possession by the fisherman.
- (f) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.
- (g) Logbook. Paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by persons engaged in commercial or recreational fishing or for-hire operators.
- (h) Master. Captain of a vessel or one who commands and has control, authority, or power over a vessel.
- (i) New fish dealer. Any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- (j) Office of the Division. Physical locations of the Division conducting license and permit transactions in Wilmington, Washington, Morehead City, Roanoke Island, and Elizabeth City, North Carolina. Other businesses or entities designated by the Secretary to issue Recreational Commercial Gear Licenses or Coastal Recreational Fishing Licenses are not considered Offices of the Division.
- (k) Responsible party. Person who coordinates, supervises, or otherwise directs operations of a business entity, such as a corporate officer or executive level supervisor of business operations, and the person responsible for use of the issued license in compliance with applicable statutes and rules.
- (l) Tournament Organizer. The person who coordinates, supervises, or otherwise directs a recreational fishing tournament and is the holder of the Recreational Fishing Tournament License.
- (m) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed, or landed.

- (n) Transfer. Permanent transferal to another person of privileges under a license for which transfer is permitted. The person transferring the license retains no rights or interest under the license transferred.
- (o) Trip Ticket. Paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by licensed fish dealers.

History Note: Authority G.S. 113-134; 113-174; 143B-289.52; Eff. January 1, 1991; Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993; Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996; Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997; Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; Amended Eff. August 1, 2000; Temporary Amendment Eff. August 1, 2000; Amended Eff. May 1, 2015; April 1, 2014; April 1, 2011; April 1, 2009; October 1, 2008; December 1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001.

15A NCAC 03I .0122 USER CONFLICT RESOLUTION

(a) In order to address user conflicts, the Fisheries Director may, by proclamation, impose any or all of the following restrictions:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify seasons; and
- (5) specify quantity.

This authority may be used based on the Fisheries Director's own findings or on the basis of a valid request in accordance with Paragraph (b) of this Rule. The Fisheries Director shall hold a public meeting in the area of the user conflict prior to issuance of a proclamation based on his or her own findings.

(b) Request for user conflict resolution:

- (1) Any person(s) desiring user conflict resolution may make such request in writing addressed to the Director of the Division of Marine Fisheries, P.O. Box 769, 3441 Arendell St., Morehead City, NC 28557-0769. A request shall contain the following information:
 - (A) a map of the affected area including an inset vicinity map showing the location of the area with detail sufficient to permit on-site identification and location;
 - (B) identification of the user conflict causing a need for user conflict resolution;
 - (C) recommended solution for resolving user conflict; and

- (D) name and address of the person(s) requesting user conflict resolution.
- (2) Within 90 days of the receipt of the information required in Subparagraph (b)(1) of this Rule, the Fisheries Director shall review the information and determine if user conflict resolution is necessary. If user conflict resolution is not necessary, the Fisheries Director shall deny the request. If user conflict resolution is necessary, the Fisheries Director or designee shall hold a public meeting in the area of the user conflict. The requestor shall present his or her request at the public meeting. Following the public meeting as described in Subparagraph (b)(2) of this Rule, the Fisheries Director shall refer the users in the conflict for mediation or deny the request. If the user conflict cannot be resolved through mediation, the Fisheries Director shall submit for approval a proclamation to the Marine Fisheries Commission that addresses the conflict.
- (4) Proclamations issued under this Rule shall suspend appropriate rules or portions of rules under the authority of the Marine Fisheries Commission as specified in the proclamation. The provisions of Rule .0102 of this Section terminating suspension of a rule pending the next Marine Fisheries Commission meeting and requiring review by the Marine Fisheries Commission at the next meeting shall not apply to proclamations issued under this Rule.

History Note: Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52; Eff. May 1, 2015.

15A NCAC 03J .0207 DUKE ENERGY PROGRESS BRUNSWICK NUCLEAR PLANT INTAKE CANAL

It is unlawful to use any commercial fishing equipment in the Duke Energy Progress Brunswick Nuclear Plant Intake Canal between the fish diversion screen and the Duke Energy Progress Brunswick Nuclear Plant.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. May 1, 2015.

15A NCAC 03J .0208 NEW RIVER

- (a) It is unlawful to use trawl nets except skimmer trawls upstream of the Highway 172 Bridge over New River.
- (b) It is unlawful to use skimmer trawls upstream of the Highway 172 Bridge over New River from 9:00 P.M. through 5:00 A.M. from August 16 through November 30.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. August 1, 1998; Amended Eff. May 1, 2015; August 1, 2004.

15A NCAC 03J .0209 ALBEMARLE SOUND/CHOWAN RIVER RIVER HERRING MANAGEMENT AREAS

It is unlawful to use drift gill nets with a mesh length less than three inches from January 1 through May 15 in the Albemarle Sound and Chowan River river herring management areas defined in 15A NCAC 03R .0202.

History Note: Authority G.S. 113-134; 113-182; 143B 289.52;

Temporary Adoption Eff. May 1, 2000;

Eff. April 1, 2001;

Amended Eff. May 1, 2015; June 1, 2013; December 1, 2007.

15A NCAC 03J .0301 POTS

(a) It is unlawful to use pots except during time periods and in areas specified herein:

- (1) In Coastal Fishing Waters from December 1 through May 31, except that all pots shall be removed from Internal Waters from January 15 through February 7. Fish pots upstream of U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from the January 15 through February 7 removal requirement. The Fisheries Director may, by proclamation, reopen various waters to the use of pots after January 19 if it is determined that such waters are free of pots.
- (2) From June 1 through November 30, north and east of the Highway 58 Bridge at Emerald Isle:
 - (A) In areas described in 15A NCAC 03R .0107(a);
 - (B) To allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for or designate the areas described in 15A NCAC 03R .0107(b); or any part thereof, for the use of pots.
- (3) From May 1 through November 30 in the Atlantic Ocean and west and south of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the Fisheries Director by proclamation.

The Fisheries Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use of pots to take blue crabs.

(b) It is unlawful to use pots:

- (1) in any navigation channel marked by State or Federal agencies; or
- (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

(c) It is unlawful to use pots in a commercial fishing operation, unless each pot is marked by attaching a floating buoy that 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 or hot pink or any

combination of colors that include yellow or hot pink. 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. The identification shall include one of the following:

- (1) gear owner's current motorboat registration number;
 - (2) gear owner's U.S. vessel documentation name; or
 - (3) gear owner's last name and initials.
- (d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.
- (e) It is unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths-inch bar.
- (f) It is unlawful to use pots to take eels with mesh lengths smaller than one-half inch by one-half inch, except until January 1, 2017 eel pots of any mesh length with an escape panel that is at least four inches square with a mesh length of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots shall be allowed.
- (g) It is unlawful to use crab pots in Coastal Fishing Waters unless each pot contains no less than two unobstructed escape rings that are at least two and five-sixteenths inches inside diameter and located in the opposite outside panels of the upper chamber of the pot, except the following are exempt from the escape ring requirements:
- (1) unbaited pots;
 - (2) pots baited with a male crab; and
 - (3) pots set in areas and during time periods described in 15A NCAC 03R .0118.
- (h) The Fisheries Director may, by proclamation, exempt the escape ring requirements described in Paragraph (g) of this Rule in order to allow the harvest of mature female crabs and may impose any or all of the following restrictions:
- (1) specify time;
 - (2) specify area;
 - (3) specify means and methods;
 - (4) specify seasons; and
 - (5) specify quantity.
- (i) It is unlawful to use more than 150 crab pots per vessel in Newport River.
- (j) It is unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.
- (k) It is unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.
- (l) It is unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or "leaders" are defined as any fixed or stationary net or device used to direct fish into any gear used to capture fish. Any device with leads or leaders used to capture fish shall not be a pot.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992; September 1, 1991;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. August 1, 2000;

Temporary Amendment Eff. September 1, 2000;

Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002.

15A NCAC 03K .0111 PERMITS TO USE MECHANICAL METHODS FOR SHELLFISH ON SHELLFISH LEASES OR FRANCHISES

(a) Permits to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises shall be issued in compliance with the general rules governing all permits in 15A NCAC 03O .0500. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0501.

(b) It is unlawful to harvest shellfish by the use of mechanical methods from shellfish leases or franchises without first obtaining a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises.

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52; Eff. May 1, 2015.

15A NCAC 03K .0206 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. October 1, 1992; Temporary Amendment Eff. September 1, 2000; Amended Eff. August 1, 2002; Repealed Eff. May 1, 2015.

15A NCAC 03K .0303 PERMITS TO USE MECHANICAL METHODS FOR OYSTERS OR CLAMS ON SHELLFISH LEASES OR FRANCHISES REQUIREMENT

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Amended Eff. September 1, 1991; Temporary Amendment Eff. September 1, 2000; Amended Eff. August 1, 2002; Repealed Eff. May 1, 2015.

15A NCAC 03K .0501 BAY SCALLOP HARVEST MANAGEMENT

The Fisheries Director may, by proclamation, impose any of the following restrictions for commercial or recreational bay scallop harvest from public bottom:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify open seasons for the taking of bay scallops during the period beginning the last Monday in January and ending the last Friday in May;
- (5) specify size; and
- (6) specify quantity, but shall not exceed possession of more than 15 standard U.S.

bushels per person per day or a total of 30 standard U.S. bushels in any combined commercial fishing operation per day.

History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52; Eff. January 1, 1991; Amended Eff. May 1, 2015; February 1, 2008.

15A NCAC 03K .0502 TAKING BAY SCALLOPS AT NIGHT AND ON WEEKENDS

(a) It is unlawful to take bay scallops between sunset and sunrise, or on Saturdays or Sundays, except as provided in 15A NCAC 03K .0105.

(b) Bay scallops taken on Saturdays or Sundays from shellfish leases or franchises in accordance with G.S. 113-208 are exempt from this Rule.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52; Eff. January 1, 1991; Temporary Amendment Eff. July 1, 1999; Amended Eff. May 1, 2015; August 1, 2000.

15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM SHELLFISH LEASES OR FRANCHISES

(a) It is unlawful to sell, purchase, or possess scallops during the closed season without the lease or franchise holder delivering to the purchaser or other recipient a certification, on a form provided by the Division, that the scallops were taken from a valid shellfish lease or franchise. Certification forms shall be furnished by the Division to lease and franchise holders upon request.

(b) It is unlawful for lease or franchise holders or their designees to take or possess scallops from public bottom while possessing aboard a vessel scallops taken from shellfish leases or franchises.

History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52; Eff. May 1, 2015.

15A NCAC 03K .0508 SCALLOP SEASON AND HARVEST LIMIT EXEMPTIONS

The following exemptions and restrictions shall apply to the possession, sale, purchase, or transport of scallops produced in an aquaculture operation:

- (1) Possession and sale of scallops by a scallop aquaculture operation shall be exempt from restrictions set forth in 15A NCAC 03K .0501, .0504, and .0505.
- (2) Purchase and possession of scallops from a scallop aquaculture operation shall be exempt from restrictions set forth in 15A NCAC 03K .0501, .0504, and .0505.
- (3) It is unlawful for a person to possess, sell, purchase, or transport scallops described in Sub-Items (1) and (2) of this Rule unless in compliance with all conditions of the Aquaculture Operation Permit, as set forth in 15A NCAC 03O .0501 and .0503.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. May 1, 2015.

15A NCAC 03L .0101 SHRIMP HARVEST RESTRICTIONS

(a) It is unlawful to take shrimp until the Fisheries Director, by proclamation, opens the season.

(b) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of shrimp:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity.

History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 2015.

15A NCAC 03L .0103 PROHIBITED NETS, MESH LENGTHS AND AREAS

(a) It is unlawful to take shrimp with nets with mesh lengths less than the following:

- (1) Trawl net - one and one-half inches;
- (2) Fixed nets, channel nets, float nets, butterfly nets, and hand seines - one and one-fourth inches; and
- (3) Cast net - no restriction.

(b) It is unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner of any mesh length. Net material used as chafing gear shall be no less than four inches mesh length, except that chafing gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in a manner that forms an additional tailbag.

(c) It is unlawful to take shrimp with trawls that have a combined headrope of greater than 90 feet in Internal Coastal Waters in the following areas:

- (1) North of the 35° 46.3000' N latitude line;
- (2) Core Sound south of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina State Line;
- (3) Pamlico River upstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point; running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- (4) Neuse River southwest of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(d) Effective January 1, 2017 it is unlawful to take shrimp with trawls that have a combined headrope of greater than 220 feet in Internal Coastal Waters in the following areas:

- (1) Pamlico Sound south of the 35° 46.3000' N latitude line and north of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks;
- (2) Pamlico River downstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point; running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and
- (3) Neuse River northeast of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

(e) It is unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

(f) It is unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

(g) It is unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

(h) It is unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. These federal rules are incorporated by reference including subsequent amendments and editions. Copies of these rules are available via the Code of Federal Regulations posted on the Internet at <http://www.gpoaccess.gov/cfr/index.html> and at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. May 1, 2015; April 1, 2009; July 1, 2006.

15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS

It is unlawful to:

- (1) Possess from areas open to the harvest of shrimp more than 48 quarts, heads on or 30 quarts, heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational purposes except as provided in 15A NCAC 03O .0303(e) and (f).
- (2) Take or possess more than four quarts, heads on or two and one-half quarts, heads off, of shrimp per person per day with a cast net from areas closed to the taking of shrimp.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. April 1, 2009;

Amended Eff. May 1, 2015; June 1, 2013.

15A NCAC 03M .0101 MUTILATED FINFISH

It is unlawful to possess aboard a vessel or while engaged in fishing any species of finfish that is subject to a size or harvest restriction without having head and tail attached, except:

- (1) mullet when used for bait;
- (2) hickory shad when used for bait provided that not more than two hickory shad per vessel or fishing operation may be cut for bait at any one time; and
- (3) tuna possessed in a commercial fishing operation as provided in 15A NCAC 03M .0520.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. January 1, 1991;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. May 1, 2015; April 1, 2011; July 1, 2006; August 1, 2002.*

15A NCAC 03M .0510 AMERICAN EEL

It is unlawful to:

- (1) Possess, sell or take American eels less than nine inches in length;
- (2) Possess more than 25 American eels per person per day for recreational purposes, except the master and each mate of for-hire vessels that hold a valid for-hire license may possess 50 eels each per day; and
- (3) Possess American eels from September 1 through December 31 except when taken by baited pots.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. July 1, 1993;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. May 1, 2015; April 1, 2001.*

15A NCAC 03M .0513 RIVER HERRING

It is unlawful to take or possess river herring from North Carolina Coastal Fishing Waters. Possession of river herring from sources other than North Carolina Coastal Fishing Waters shall be limited to fish less than or equal to six inches total length aboard a vessel or while engaged in fishing.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. March 1, 1995;
Amended Eff. August 1, 1998;
Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999; March 1, 1999;
Amended Eff. October 1, 2008; December 1, 2007; April 1, 2001;
Amended Eff. Pending Legislative Review.*

15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations, except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for the application by the licensee, a responsible party, or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application shall be notarized;
- (2) Current picture identification of licensee or responsible party. Acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card), or passport; or if purchased by mail, a copy thereof;
- (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
- (4) Valid documentation papers or current motor boat registration, or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of incorporation of an individual fishing vessel, the name of the master of that vessel shall also be specified. The responsible party shall notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;
- (6) An affirmation of liability insurance and that the operator is knowledgeable of United States Coast Guard (USCG) safety requirements for the vessel(s) used in the operation in accordance with G.S. 113-168.6 when purchasing a commercial fishing vessel registration with a for-hire endorsement.
- (7) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement, or commercial fishing vessel registration in a partnership name;
- (8) For nonresidents, certification of the state of residency;
- (9) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;

- (10) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
 - (11) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept;
 - (12) When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the applicant shall provide valid certification as a North Carolina certified shellfish dealer;
 - (13) In addition, for the Blanket For-Hire Captain's Coastal Recreational Fishing License (CRFL), the applicant shall provide a valid certification from the USCG that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers; and
 - (14) In addition, for the Blanket For-Hire Vessel CRFL or the Non-Blanket For-Hire Vessel License, valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for-hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- (b) License to Land Flounder from the Atlantic Ocean.
- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
 - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
 - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
 - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
 - (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b)(1)(A) and (b)(1)(B) of this Rule.
 - (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
 - (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
 - (5) The holder of the License to Land Flounder from the Atlantic Ocean shall notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
 - (6) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.
- (c) To obtain a Recreational Fishing Tournament License to Sell Fish, the tournament organizer shall apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament with the following required information:
- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature shall be notarized on the application.
 - (2) Current picture identification of tournament organizer. Acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card), or passport; or if purchased by mail, a copy thereof.
- (d) To obtain a Land or Sell License, the following information is required for a proper application:
- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application shall be notarized on the application;
 - (2) Current picture identification of responsible party or master. Acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card), or passport; or if applying by mail, a copy thereof;
 - (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered, in accordance with G.S. 113-169.5.
- (e) Proof of residency in North Carolina for:
- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall require a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and
 - (A) a notarized certification from the applicant that a North Carolina State

- Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident;
- (B) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
- (C) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
 - (A) North Carolina voter registration card; or
 - (B) Current North Carolina Driver's License; or
 - (C) Current North Carolina Certificate of Domicile; or
 - (D) Current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
 - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (f) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.
- (g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.
- (h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have been designated as agents of the Department.
- (i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except Recreational Commercial Gear Licenses, the following is required for the renewal application by the licensee, a responsible party, or person holding a power of attorney:
 - (1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required if a change has occurred since the last issuance of license, endorsement, or commercial fishing vessel registration.
 - (2) Certification that articles of incorporation and list of corporate officers, if incorporated, written partnership agreement, if written partnership, or documentation papers or motor boat registration previously provided for initial license purchase are still valid and current for renewal.

- (3) Current and valid state driver's license or state identification picture identification numbers and expiration dates shall be verified on mail license renewal applications or any other electronic license renewal process, otherwise the licensee shall provide a photocopy for renewal by mail or visit a Division License Office and present a current and valid picture identification pursuant to Subparagraph (a)(2) of this Rule.
- (4) The licensee's or responsible party's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications shall not be required.
- (5) The Division of Marine Fisheries may require current copies of documentation for licenses, endorsements, or commercial fishing vessel registration on renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.
- (6) If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the responsible party shall certify that the length is accurate; otherwise, a Marine Patrol Officer's signature is required to certify the linear length before the license can be renewed.
- (7) Certification that shellfish dealer certification by North Carolina previously provided for issuance of Fish Dealer License with clam or oyster categories or consolidated license is still valid and current for renewal.

History Note: Authority G.S. 113-134; 113-168; 113-168.1-6; 113-169; 113-169.2-5; 113-171.1; 113-174.3; 143B-289.52; Eff. January 1, 1991; Amended Eff. July 1, 1997; March 1, 1994; Temporary Amendment Eff. July 1, 1999; Amended Eff. August 1, 2000; Temporary Amendment Eff. April 1, 2001; Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002.

15A NCAC 030 .0106 DISPLAY OF LICENSES AND REGISTRATIONS

- (a) It is unlawful:
 - (1) For any person to use a vessel required to be registered under the provisions of G.S. 113-168.6 in a commercial fishing operation without a current commercial fishing vessel registration decal mounted on an exterior surface so as to be plainly visible when viewed from the port side; and
 - (2) To display any commercial fishing vessel registration decal not issued for the vessel displaying it.
- (b) It is unlawful to fail to display any fish dealer's licenses required by G.S. 113-169.3, or ocean fishing pier license required

by G.S. 113-169.4 in prominent public view in each location subject to licensing.

(c) It is unlawful to fail to display a current For-Hire License decal on the exterior surface of the vessel so as to be visible when viewed from the port side while engaged in for-hire recreational fishing.

History Note: Authority G.S. 113-168.6; 113-169.3; 113-169.4; 143B-289.52;

Eff. January 1, 1991;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. May 1, 2015; December 1, 2006; August 1, 2000.

15A NCAC 030 .0113 OCEAN FISHING PIER REPORTING REQUIREMENTS

It is unlawful for the responsible party of the Ocean Fishing Pier License to fail to provide to the Division by the 10th of each month a daily count of anglers fishing from the licensed pier from the previous month, including a daily count of zero for days when anglers did not fish. The information shall be submitted on a paper form provided by the Division or via electronic mail to the electronic mail address provided at the time of license application.

History Note: Authority G.S. 113-134; 113-169.4; 113-174.1; 143B-289.52;

Eff. April 1, 2011;

Amended Eff. May 1, 2015.

15A NCAC 030 .0501 PROCEDURES AND REQUIREMENTS TO OBTAIN PERMITS

(a) To obtain any Marine Fisheries permit, the following information is required for proper application from the applicant, a responsible party, or person holding a power of attorney:

- (1) Full name, physical address, mailing address, date of birth, and signature of the applicant on the application. If the applicant is not appearing before a license agent or the designated Division contact, the applicant's signature on the application shall be notarized;
- (2) Current picture identification of applicant, responsible party, or person holding a power of attorney. Acceptable forms of picture identification are driver's license, North Carolina Identification card issued by the North Carolina Division of Motor Vehicles, military identification card, resident alien card (green card), or passport; or if applying by mail, a copy thereof;
- (3) Full names and dates of birth of designees of the applicant who will be acting under the requested permit where that type permit requires listing of designees;
- (4) Certification that the applicant and his designees do not have four or more marine or estuarine resource convictions during the previous three years;
- (5) For permit applications from business entities:
 - (A) Business Name;

- (B) Type of Business Entity: Corporation, partnership, or sole proprietorship;
- (C) Name, address, and phone number of responsible party and other identifying information required by this Subchapter or rules related to a specific permit;
- (D) For a corporation, current articles of incorporation and a current list of corporate officers when applying for a permit in a corporate name;
- (E) For a partnership, if the partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when applying for a permit; and
- (F) For business entities, other than corporations, copies of current assumed name statements if filed and copies of current business privilege tax certificates, if applicable; and

(6) Additional information as required for specific permits.

(b) A permittee shall hold a valid Standard or Retired Standard Commercial Fishing License in order to hold a:

- (1) Pound Net Permit;
- (2) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean; or
- (3) Atlantic Ocean Striped Bass Commercial Gear Permit.

(c) A permittee and his designees shall hold a valid Standard or Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to hold a:

- (1) Permit to Transplant Prohibited (Polluted) Shellfish;
- (2) Permit to Transplant Oysters from Seed Oyster Management Areas;
- (3) Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises;
- (4) Permit to Harvest Rangia Clams from Prohibited (Polluted) Areas; or
- (5) Depuration Permit.

(d) A permittee shall hold a valid:

- (1) Fish Dealer License in the proper category in order to hold Dealer Permits for Monitoring Fisheries Under a Quota/Allocation for that category; and
- (2) Standard Commercial Fishing License with a Shellfish Endorsement, Retired Standard Commercial Fishing License with a Shellfish Endorsement or a Shellfish License in order to harvest clams or oysters for depuration.

(e) Aquaculture Operations/Collection Permits:

- (1) A permittee shall hold a valid Aquaculture Operation Permit issued by the Fisheries Director to hold an Aquaculture Collection Permit.
- (2) The permittee or designees shall hold appropriate licenses from the Division of

Marine Fisheries for the species harvested and the gear used under the Aquaculture Collection Permit.

(f) Atlantic Ocean Striped Bass Commercial Gear Permit:

- (1) Upon application for an Atlantic Ocean Striped Bass Commercial Gear Permit, a person shall declare one of the following gears for an initial permit and at intervals of three consecutive license years thereafter:

- (A) gill net;
- (B) trawl; or
- (C) beach seine.

For the purpose of this Rule, a "beach seine" is defined as a swipe net constructed of multi-filament or multi-fiber webbing fished from the ocean beach that is deployed from a vessel launched from the ocean beach where the fishing operation takes place.

Gear declarations shall be binding on the permittee for three consecutive license years without regard to subsequent annual permit issuance.

- (2) A person is not eligible for more than one Atlantic Ocean Striped Bass Commercial Gear Permit regardless of the number of Standard Commercial Fishing Licenses, Retired Standard Commercial Fishing Licenses or assignments held by the person.

(g) Applications submitted without complete and required information shall not be processed until all required information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the application so noted.

(h) A permit shall be issued only after the application has been deemed complete by the Division of Marine Fisheries and the applicant certifies to abide by the permit general and specific conditions established under 15A NCAC 03J .0501, .0505, 03K .0103, .0104, .0107, .0111, .0401, 03O .0502, and .0503 as applicable to the requested permit.

(i) The Fisheries Director, or his agent may evaluate the following in determining whether to issue, modify, or renew a permit:

- (1) Potential threats to public health or marine and estuarine resources regulated by the Marine Fisheries Commission;
- (2) Applicant's demonstration of a valid justification for the permit and a showing of responsibility as determined by the Fisheries Director; and
- (3) Applicant's history of habitual fisheries violations evidenced by eight or more violations in 10 years.

(j) The Division of Marine Fisheries shall notify the applicant in writing of the denial or modification of any permit request and the reasons therefor. The applicant may submit further information, or reasons why the permit should not be denied or modified.

(k) Permits are valid from the date of issuance through the expiration date printed on the permit. Unless otherwise established by rule, the Fisheries Director may establish the issuance timeframe for specific types and categories of permits based on season, calendar year, or other period based upon the

nature of the activity permitted, the duration of the activity, compliance with federal or state fishery management plans or implementing rules, conflicts with other fisheries or gear usage, or seasons for the species involved. The expiration date shall be specified on the permit.

(l) For permit renewals, the permittee's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications shall not be required.

(m) For initial or renewal permits, processing time for permits may be up to 30 days unless otherwise specified in this Chapter.

(n) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

(o) It is unlawful for a permit holder to fail to notify the Division of Marine Fisheries of a change of designee prior to use of the permit by that designee.

(p) Permit applications are available at all Division Offices.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52;

Temporary Adoption Eff. September 1, 2000; May 1, 2000; Eff. April 1, 2001;

Temporary Amendment Eff. October 1, 2001;

Amended Eff. May 1, 2015; April 1, 2011; April 1, 2009; July 1, 2008; December 1, 2007; September 1, 2005; April 1, 2003; August 1, 2002.

**15A NCAC 03O .0503 PERMIT CONDITIONS;
SPECIFIC**

(a) Horseshoe Crab Biomedical Use Permit:

- (1) It is unlawful to use horseshoe crabs for biomedical purposes without first obtaining a permit.
- (2) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to submit a report on the use of horseshoe crabs to the Division of Marine Fisheries due on February 1 of each year. Such reports shall be filed on forms provided by the Division and shall include a monthly account of the number of crabs harvested, statement of percent mortality up to the point of release, and a certification that harvested horseshoe crabs are solely used by the biomedical facility and not for other purposes.
- (3) It is unlawful for persons who have been issued a Horseshoe Crab Biomedical Use Permit to fail to comply with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab. The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Horseshoe Crab is incorporated by reference including subsequent amendments and editions. Copies of this plan are available via the Internet from the Atlantic States Marine Fisheries Commission at <http://www.asmfcr.org/fisheries->

management/program-overview and at the Division of Marine Fisheries, P.O. Box 769, 3441 Arendell St., Morehead City, North Carolina 28557 at no cost.

(b) Dealers Permits for Monitoring Fisheries under a Quota/Allocation:

(1) During the commercial season opened by proclamation or rule for the fishery for which a Dealers Permit for Monitoring Fisheries under a Quota/Allocation permit is issued, it is unlawful for the fish dealers issued such permit to fail to:

- (A) fax or send via electronic mail by noon daily, on forms provided by the Division, the previous day's landings for the permitted fishery to the dealer contact designated on the permit. Landings for Fridays or Saturdays shall be submitted on the following Monday. If the dealer is unable to fax or electronic mail the required information, the permittee shall call in the previous day's landings to the dealer contact designated on the permit, but shall maintain a log furnished by the Division;
- (B) submit the required log to the Division upon request or no later than five days after the close of the season for the fishery permitted;
- (C) maintain faxes and other related documentation in accordance with 15A NCAC 03I .0114;
- (D) contact the dealer contact designated on the permit daily regardless of whether or not a transaction for the fishery for which a dealer is permitted occurred; and
- (E) record the permanent dealer identification number on the bill of lading or receipt for each transaction or shipment from the permitted fishery.

(2) Striped Bass Dealer Permit:

- (A) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale striped bass taken from the following areas without first obtaining a Striped Bass Dealer Permit validated for the applicable harvest area:
 - (i) Atlantic Ocean;
 - (ii) Albemarle Sound Management Area as designated in 15A NCAC 03R .0201; and
 - (iii) the Joint and Coastal Fishing Waters of the Central/Southern Management Area as

designated in 15A NCAC 03R .0201.

(B) No permittee shall possess, buy, sell, or offer for sale striped bass taken from the harvest areas opened by proclamation without having a North Carolina Division of Marine Fisheries issued valid tag for the applicable area affixed through the mouth and gill cover, or, in the case of striped bass imported from other states, a similar tag that is issued for striped bass in the state of origin. North Carolina Division of Marine Fisheries striped bass tags shall not be bought, sold, offered for sale, or transferred. Tags shall be obtained at the North Carolina Division of Marine Fisheries Offices. The Division of Marine Fisheries shall specify the quantity of tags to be issued based on historical striped bass landings. It is unlawful for the permittee to fail to surrender unused tags to the Division upon request.

(3) Albemarle Sound Management Area for River Herring Dealer Permit: It is unlawful to possess, buy, sell, or offer for sale river herring taken from the following area without first obtaining an Albemarle Sound Management Area for River Herring Dealer Permit: Albemarle Sound Management Area for River Herring as defined in 15A NCAC 03R .0202.

(4) Atlantic Ocean Flounder Dealer Permit:

(A) It is unlawful for a fish dealer to allow vessels holding a valid License to Land Flounder from the Atlantic Ocean to land more than 100 pounds of flounder from a single transaction at their licensed location during the open season without first obtaining an Atlantic Ocean Flounder Dealer Permit. The licensed location shall be specified on the Atlantic Ocean Flounder Dealer Permit and only one location per permit shall be allowed.

(B) It is unlawful for a fish dealer to possess, buy, sell, or offer for sale more than 100 pounds of flounder from a single transaction from the Atlantic Ocean without first obtaining an Atlantic Ocean Flounder Dealer Permit.

(5) Black Sea Bass North of Cape Hatteras Dealer Permit. It is unlawful for a fish dealer to purchase or possess more than 100 pounds of black sea bass taken from the Atlantic Ocean north of Cape Hatteras (35° 15.0321' N) per day per commercial fishing operation during

the open season unless the dealer has a Black Sea Bass North of Cape Hatteras Dealer Permit.

(c) Blue Crab Shedding Permit: It is unlawful to possess more than 50 blue crabs in a shedding operation without first obtaining a Blue Crab Shedding Permit from the Division of Marine Fisheries.

(d) Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean:

- (1) It is unlawful to trawl for shrimp in the Atlantic Ocean without Turtle Excluder Devices installed in trawls within one nautical mile of the shore from Browns Inlet (34° 35.7000' N latitude) to Rich's Inlet (34° 17.6000' N latitude) without a valid Permit to Waive the Requirement to Use Turtle Excluder Devices in the Atlantic Ocean when allowed by proclamation from April 1 through November 30.
- (2) It is unlawful to tow for more than 55 minutes from April 1 through October 31 and 75 minutes from November 1 through November 30 in the area described in Subparagraph (d)(1) of this Rule when working under this permit. Tow time begins when the doors enter the water and ends when the doors exit the water.
- (3) It is unlawful to fail to empty the contents of each net at the end of each tow.
- (4) It is unlawful to refuse to take observers upon request by the Division of Marine Fisheries or the National Marine Fisheries Service.
- (5) It is unlawful to fail to report any sea turtle captured. Reports shall be made within 24 hours of the capture to the Marine Patrol Communications Center by phone. All turtles taken incidental to trawling shall be handled and resuscitated in accordance with requirements specified in 50 CFR 223.206. This federal rule is incorporated by reference including subsequent amendments and editions. Copies of this rule are available via the Code of Federal Regulations posted on the Internet at <http://www.gpoaccess.gov/cfr/index.html> and at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

(e) Pound Net Set Permits. Rule 15A NCAC 03J .0505 sets forth the specific conditions for pound net set permits.

(f) Aquaculture Operations/Collection Permits:

- (1) It is unlawful to conduct aquaculture operations utilizing marine and estuarine resources without first securing an Aquaculture Operation Permit from the Fisheries Director.
- (2) It is unlawful:
 - (A) to take marine and estuarine resources from Coastal Fishing Waters for aquaculture purposes without first obtaining an Aquaculture Collection Permit from the Fisheries Director.

(B) to sell, or use for any purpose not related to North Carolina aquaculture, marine and estuarine resources taken under an Aquaculture Collection Permit.

(C) to fail to submit to the Fisheries Director an annual report due on December 1 of each year on the form provided by the Division the amount and disposition of marine and estuarine resources collected under authority of this permit.

(3) Lawfully permitted shellfish relaying activities authorized by 15A NCAC 03K .0103 and .0104 are exempt from requirements to have an Aquaculture Operation or Collection Permit issued by the Fisheries Director.

(4) Aquaculture Operations/Collection Permits shall be issued or renewed on a calendar year basis.

(5) It is unlawful to fail to provide the Division of Marine Fisheries with a listing of all designees acting under an Aquaculture Collection Permit at the time of application.

(g) Scientific or Educational Activity Permit:

(1) It is unlawful for institutions or agencies seeking exemptions from license, rule, proclamation, or statutory requirements to collect, hold, culture, or exhibit for scientific or educational purposes any marine or estuarine species without first obtaining a Scientific or Educational Activity Permit.

(2) The Scientific or Educational Activity Permit shall only be issued for scientific or educational purposes and for collection methods and possession allowances approved by the Division of Marine Fisheries.

(3) The Scientific or Educational Activity Permit shall only be issued for approved activities conducted by or under the direction of Scientific or Educational institutions as defined in Rule 15A NCAC 03I .0101.

(4) It is unlawful for the responsible party issued a Scientific or Educational Activity Permit to fail to submit a report on collections and, if authorized, sales to the Division of Marine Fisheries due on December 1 of each year unless otherwise specified on the permit. The reports shall be filed on forms provided by the Division. Scientific or Educational Activity permits shall be issued on a calendar year basis.

(5) It is unlawful to sell marine or estuarine species taken under a Scientific or Educational Activity Permit without:

- (A) the required license(s) for such sale;
- (B) authorization stated on the permit for such sale; and

- (C) providing the information required in Rule 15A NCAC 03I .0114 if the sale is to a licensed fish dealer.
- (6) It is unlawful to fail to provide the Division of Marine Fisheries a listing of all designees acting under a Scientific or Educational Activity Permit at the time of application.
- (7) The permittee or designees utilizing the permit shall call the Division of Marine Fisheries Communications Center at 800-682-2632 or 252-726-7021 not later than 24 hours prior to use of the permit, specifying activities and location.
- (h) Under Dock Oyster Culture Permit:
- (1) It is unlawful to cultivate oysters in containers under docks for personal consumption without first obtaining an Under Dock Oyster Culture Permit.
- (2) An Under Dock Oyster Culture Permit shall be issued only in accordance with provisions set forth in G.S. 113-210(c).
- (3) The applicant shall complete and submit an examination, with a minimum of 70 percent correct answers, based on an educational package provided by the Division of Marine Fisheries pursuant to G.S. 113-210(j). The examination demonstrates the applicant's knowledge of:
- (A) the application process;
- (B) permit criteria;
- (C) basic oyster biology and culture techniques;
- (D) shellfish harvest area closures due to pollution;
- (E) safe handling practices;
- (F) permit conditions; and
- (G) permit revocation criteria.
- (4) Action by an Under Dock Oyster Culture Permit holder to encroach on or usurp the legal rights of the public to access public trust resources in Coastal Fishing Waters shall result in permit revocation.
- (i) Atlantic Ocean Striped Bass Commercial Gear Permit:
- (1) It is unlawful to take striped bass from the Atlantic Ocean in a commercial fishing operation without first obtaining an Atlantic Ocean Striped Bass Commercial Gear Permit.
- (2) It is unlawful to use a single Standard Commercial Fishing License, including assignments, to obtain more than one Atlantic Ocean Striped Bass Commercial Gear Permit during a license year.
- (j) Coastal Recreational Fishing License Exemption Permit:
- (1) It is unlawful for the responsible party seeking exemption from recreational fishing license requirements for eligible individuals to conduct an organized fishing event held in Joint or Coastal Fishing Waters without first obtaining a Coastal Recreational Fishing License Exemption Permit.
- (2) The Coastal Recreational Fishing License Exemption Permit shall only be issued for recreational fishing activity conducted solely for the participation and benefit of one of the following groups of eligible individuals:
- (A) individuals with physical or mental limitations;
- (B) members of the United States Armed Forces and their dependents, upon presentation of a valid military identification card, for military appreciation;
- (C) individuals receiving instruction on recreational fishing techniques and conservation practices from employees of state or federal marine or estuarine resource management agencies, or instructors affiliated with educational institutions; and
- (D) disadvantaged youths.
- For purposes of this Paragraph, educational institutions include high schools and other secondary educational institutions.
- (3) The Coastal Recreational Fishing License Exemption Permit is valid for the date(s), time, and physical location of the organized fishing event for which the exemption is granted and the time period shall not exceed one year from the date of issuance.
- (4) The Coastal Recreational Fishing License Exemption Permit shall only be issued when all of the following, in addition to the information required in 15A NCAC 03O .0501, is submitted to the Fisheries Director in writing a minimum of 30 days prior to the event:
- (A) the name, date(s), time, and physical location of the event;
- (B) documentation that substantiates local, state, or federal involvement in the organized fishing event, if applicable;
- (C) the cost or requirements, if any, for an individual to participate in the event; and
- (D) an estimate of the number of participants.

History Note: Authority G.S. 113-134; 113-169.1; 113-169.3; 113-182; 113-210; 143B-289.52;
Temporary Adoption Eff. September 1, 2000; August 1, 2000; May 1, 2000;
Eff. April 1, 2001;
Amended Eff. May 1, 2015; April 1, 2014; April 1, 2009; July 1, 2008; January 1, 2008; September 1, 2005; October 1, 2004;
August 1, 2004; August 1, 2002.

15A NCAC 03Q .0202 DESCRIPTIVE BOUNDARIES FOR COASTAL-JOINT-INLAND WATERS

Descriptive boundaries for Coastal-Joint-Inland Waters referenced in 15A NCAC 03Q .0201 are as follows:

(1) Beaufort County:

- (a) Pamlico - Tar River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 32.2167' N - 77° 02.8701' W; running southwesterly along the east side of the railroad bridge to a point on the south shore 35° 32.0267' N - 77° 03.5179' W.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (b) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
 - (i) Flax Pond Bay - All waters within this waterbody are designated as Coastal.
 - (ii) Upper Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.8946' N - 76° 32.1231' W; running northeasterly to a point on the east shore 35° 31.9656' N - 76° 32.0114' W.
 - (iii) Lower Dowry Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.4188' N - 76° 35.3924' W; running northeast to a point on the east shore 35° 32.4691' N - 76° 35.2748' W.
 - (iv) George Best Creek - All waters within this waterbody are designated as Coastal.
 - (v) Toms Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Pantego Creek - Inland Waters north and Coastal Waters south of a line

beginning at a point on the north shore 35° 31.9908' N - 76° 36.6105' W; running southerly along the Breakwater to a point 35° 31.6628' N - 76° 36.9840' W; running southwesterly to a point on the south shore 35° 31.5653' N - 76° 37.3832' W.

- (vii) Pungo Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 29.9986' N - 76° 40.3564' W; running southerly to a point on the south shore 35° 29.8887' N - 76° 40.3262' W.
 - (A) Vale Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 31.0370' N - 76° 38.9044' W; running northeasterly to a point on the east shore 35° 31.0528' N - 76° 38.8536' W.
 - (B) Scotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 30.4264' N - 76° 40.1156' W; running easterly to a point on the east shore 35° 30.4264' N - 76° 39.9430' W.
 - (C) Smith Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 30.2844' N - 76° 40.2941' W; running southerly to a point on the south shore 35° 30.1982' N - 76° 40.2621' W.
- (viii) Woodstock (Little) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.5291' N -

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| | 76° 38.1600' W; running easterly to a point on the east shore 35° 30.4852' N - 76° 38.0278' W. | | following the southern shoreline to a point 35° 25.6267' N - 76° 46.1494' W; running southeasterly to a point on the east shore 35° 25.6166' N - 76° 46.1361' W. |
| (ix) | Jordan Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 27.7256' N - 76° 36.2159' W; running southerly to a point 35° 27.5587' N - 76° 36.2704' W; following the eastern shore to a point 35° 27.4651' N - 76° 36.3294' W; running southerly to a point on the south shore 35° 27.3429' N - 76° 36.4498' W. | (f) | Bath Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.1685' N - 76° 49.4087' W; running northeasterly to a point on the east shore 35° 27.2371' N - 76° 49.0969' W. |
| (x) | Satterthwaite Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 25.2994' N - 76° 35.4281' W; running southerly to a point on the south shore 35° 25.1284' N - 76° 35.4949' W. | (g) | Duck Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 27.5395' N - 76° 52.0074' W; running southerly to a point on the east shore 35° 27.4401' N - 76° 51.9827' W. |
| (xi) | Wright Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the west shore 35° 24.8664' N - 76° 35.4240' W; running southeasterly to a point on the east shore 35° 24.7995' N - 76° 35.3086' W. | (h) | Mallard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 27.6461' N - 76° 53.6398' W; running easterly to a point on the east shore 35° 27.6425' N - 76° 53.5816' W. |
| (c) | North Creek - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.1667' N - 76° 40.1042' W; running easterly to a point on the east shore 35° 25.0971' N - 76° 39.6340' W. | (i) | Upper Goose Creek - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the west shore 35° 28.5346' N - 76° 56.0229' W; running southeasterly to a point on the east shore 35° 28.4014' N - 76° 55.8714' W. |
| (d) | St. Clair Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7691' N - 76° 42.6406' W; running easterly to a point on the east shore 35° 25.7695' N - 76° 42.5967' W. | (j) | Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 29.1023' N - 76° 57.3738' W; running easterly to a point on the east shore 35° 29.1059' N - 76° 57.1188' W. |
| (e) | Mixon Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 25.7601' N - 76° 46.5971' W; running easterly to a point 35° 25.7304' N - 76° 46.2547' W; following the southern shoreline to a point 35° 25.6878' N - 76° 46.2034' W; running southeasterly to a point 35° 25.6606' N - 76° 46.1892' W; | (k) | Herring Run (Runyan Creek) - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 32.1615' N - 77° 02.3606' W; running southeasterly to a point on the east shore 35° 32.1340' N - 77° 02.3438' W. |
| | | (l) | Chocowinity Bay - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 35° 29.4751' N - 77° 01.8507' W; running northeasterly to a point on the east shore 35° 29.8780' N - 77° 01.3169' W. |
| | | (m) | Calf Tree Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the north shore 35° 29.2268' N - 77° 01.2973' W; |

- running southeasterly to a point on the south shore 35° 29.2115' N - 77° 01.2831' W.
- (n) Hills Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 28.5227' N - 77° 00.2664' W; running easterly to a point on the east shore 35° 28.5193' N - 77° 00.2270' W.
- (o) Blounts Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 26.2010' N - 76° 58.1716' W; running southerly to a point on the south shore 35° 26.1369' N - 76° 58.1671' W.
- (p) Nevil Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 26.1117' N - 76° 54.5233' W; running southeasterly to a point on the east shore 35° 26.0966' N - 76° 54.5045' W.
- (q) Barris Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 24.8423' N - 76° 49.9928' W; running easterly to a point on the east shore 35° 24.8451' N - 76° 49.9745' W.
- (r) Durham Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 23.7824' N - 76° 49.3016' W; running easterly to a point on the east shore 35° 23.7821' N - 76° 48.8703' W.
- (s) Huddles Cut - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 22.5817' N - 76° 44.8727' W; running easterly to a point on the east shore 35° 22.5782' N - 76° 44.8594' W.
- (t) Huddy Gut - All waters within this waterbody are designated as Coastal.
- (u) South Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 18.9589' N - 76° 47.4298' W; running easterly to a point on the east shore 35° 18.9994' N - 76° 47.3007' W.
- (i) Tooleys Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.7080' N - 76° 44.8937' W; running northeasterly to a point on the east shore 35° 20.7440' N - 76° 44.8324' W.
- (ii) Drinkwater Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 20.1441' N - 76° 45.8262' W; running easterly to a point on the east shore 35° 20.1333' N - 76° 45.7530' W.
- (iii) Jacobs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 35° 20.1420' N - 76° 45.8395' W; running southwesterly to a point on the south shore 35° 20.0692' N - 76° 45.8912' W.
- (iv) Jacks Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 19.5455' N - 76° 47.0155' W; running southwesterly to a point on the south shore 35° 19.4986' N - 76° 47.0741' W.
- (v) Whitehurst Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 19.2878' N - 76° 47.4778' W; running southerly to a point on the south shore 35° 19.2295' N - 76° 47.4430' W.
- (vi) Little Creek - Inland Waters south and Coastal waters north of a line beginning at a point on the west shore 35° 18.9873' N - 76° 45.9292' W; running easterly to a point on the east shore 35° 19.0209' N - 76° 45.8258' W.
- (vii) Short Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 20.1228' N - 76° 44.6031' W; running southwesterly to a point on the south shore 35° 20.0527' N - 76° 44.6667' W.
- (viii) Long Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35°

- 20.3050' N - 76° 44.3444' W;
running northeasterly to a
point on the east shore 35°
20.4185' N - 76° 43.8949' W.
 - (ix) Bond Creek - Inland Waters
south and Coastal Waters
north of a line beginning at a
point on the west shore 35°
20.4231' N - 76° 42.0469' W;
running southeasterly to a
point on the east shore 35°
20.2539' N - 76° 41.8254' W.
 - (x) Muddy Creek - Inland
Waters south and Coastal
Waters north of a line
beginning at a point on the
west shore 35° 20.1523' N -
76° 41.2074' W; running
northeasterly to a point on the
east shore 35° 20.2413' N -
76° 41.0572' W.
 - (v) Davis Creek - Inland Waters south and
Coastal Waters north of a line
beginning at a point on the west shore
35° 20.7032' N - 76° 40.3404' W;
running easterly to a point on the east
shore 35° 20.7112' N - 76° 40.1637'
W.
 - (w) Strawhorn Creek - Inland Waters
south and Coastal Waters north of a
line beginning at a point on the west
shore 35° 20.4091' N - 76° 39.0998'
W; running northeasterly to a point on
the east shore 35° 20.4750' N - 76°
38.8874' W.
 - (x) Lower Goose Creek - All waters
within this waterbody are designated
as Coastal.
 - (i) Lower Spring Creek - Inland
Waters west and Coastal
Waters east of a line
beginning at a point on the
north shore 35° 19.7932' N -
76° 37.5347' W; running
southerly to a point on the
south shore 35° 19.4670' N -
76° 37.4134' W.
 - (ii) Peterson Creek - Inland
Waters west and Coastal
Waters east of a line
beginning at a point on the
west shore 35° 18.7722' N -
76° 37.5059' W; running
northeasterly to a point on the
east shore 35° 18.8406' N -
76° 37.4111' W.
 - (iii) Snode Creek - Inland Waters
west and Coastal Waters east
of a line beginning at a point
- on the north shore 35°
18.2787' N - 76° 37.4679' W;
running southwesterly to a
point on the south shore 35°
18.0821' N - 76° 37.5544' W.
- (iv) Campbell Creek - Inland
Waters west and Coastal
Waters east of a line
beginning at a point on the
north shore 35° 17.1203' N -
76° 37.9248' W; running
southerly to a point on the
south shore 35° 16.8807' N -
76° 37.9101' W.
- (A) Smith Creek - All
waters within this
waterbody are
designated as
Inland.
- (v) Hunting Creek - Inland
Waters south and Coastal
Waters north of a line
beginning at a point on the
west shore 35° 16.7523' N -
76° 36.8138' W; running
easterly to a point on the east
shore 35° 16.6779' N - 76°
36.5885' W.
- (2) Bertie County:
 - (a) Albemarle Sound - All waters within
this waterbody are designated as
Coastal.
 - (i) All Manmade Tributaries -
All manmade tributaries
within this waterbody are
designated as Joint.
 - (ii) Roanoke River - Joint Waters
south and Coastal Waters
north of a line beginning at a
point on the west shore of the
Roanoke River 35° 56.5068'
N - 76° 41.8858' W; running
easterly to a point on the east
shore 35° 56.5324' N - 76°
41.5896' W.
 - (A) Sandy Run
(Norfleet Gut) -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
36° 10.1119' N - 77°
17.5396' W;
running
northeasterly to a
point on the east
shore 36° 10.1172'
N - 77° 17.5316' W.

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| (B) | <p>Quinine - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 09.6041' N - 77° 15.9091' W; running easterly to a point on the east shore 36° 09.6068' N - 77° 15.8912' W.</p> | | <p>point on the south shore 35° 56.6397' N - 77° 04.3066' W.</p> |
| | | (G) | <p>Conine Creek - All waters within this waterbody are designated as Joint.</p> |
| (C) | <p>Wire Gut - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 00.9580' N - 77° 13.0755' W; running easterly to a point on the east shore 36° 00.9542' N - 77° 13.0320' W.</p> | (H) | <p>Old Mill Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 53.9483' N - 76° 55.3921' W; running southeasterly to a point on the east shore 35° 53.9378' N - 76° 55.3710' W.</p> |
| (D) | <p>Apple Tree Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 00.4174' N - 77° 12.3252' W; running southeasterly to a point on the south shore 36° 00.3987' N - 77° 12.3088' W.</p> | (I) | <p>Cut Cypress Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 35° 51.9465' N - 76° 53.5762' W; running southeasterly to a point on the south shore 35° 51.9229' N - 76° 53.5556' W.</p> |
| (E) | <p>Indian Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 59.0794' N - 77° 11.4926' W; running southerly to a point on the south shore 35° 59.0597' N - 77° 11.4967' W.</p> | (J) | <p>Broad Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 52.5191' N - 76° 50.4235' W; running southerly to a point on the south shore 35° 52.4262' N - 76° 50.3791' W.</p> |
| (F) | <p>Coniott Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.6562' N - 77° 04.2860' W; running southwesterly to a</p> | (K) | <p>Thoroughfare - All waters within this waterbody are designated as Joint.</p> |
| | | (iii) | <p>Cashie River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 54.7865' N - 76° 49.0521' W; running southerly to a point on the south shore 35° 54.6691' N - 76° 49.0553' W. Joint Waters south and west and Coastal Waters north and east of a</p> |

line beginning at a point on the west shore 35° 56.2934' N - 76° 44.1769' W; running easterly to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the south shore of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to a point on the south shore 35° 56.0650' N - 76° 43.9599' W.

(A) Cashoke Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 56.2934' N - 76° 44.1769' W; running

southwesterly to a point on the south shore 35° 56.2623' N - 76° 44.1993' W.

(B) Broad Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.0568' N - 76° 45.2632' W; running easterly to a point on the east shore 35° 55.0543' N - 76° 45.1309' W.

(C) Grinnel Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 55.3147' N - 76° 44.5010' W; running southerly to a point on the south shore 35° 55.2262' N - 76° 44.5495' W.

(iv) Middle River - All waters within this waterbody are designated as Joint.

(v) Eastmost River - Joint Waters south and Coastal Waters north of a line

beginning at a point on the west shore 35° 56.5024' N - 76° 42.4877' W; running westerly to a point on the east shore 35° 56.4070' N - 76° 42.7647' W.

(vi) Mud Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 53.2880' N - 76° 45.4463' W; running southwesterly to a point on the south shore 35° 53.2527' N - 76° 45.4678' W.

(b) Black Walnut Swamp - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 59.4680' N - 76° 40.9556' W; running southerly to a point on the south shore 35° 59.3946' N - 76° 40.9629' W.

(c) Salmon Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 36° 00.4648' N - 76° 42.3513' W; running southeasterly to a point on the south shore 36° 00.3373' N - 76° 42.1499' W.

(d) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.

(i) Barkers Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 14.0709' N - 76° 44.2451' W; running southerly to a point on the south shore 36° 14.0492' N - 76° 44.2456' W.

(ii) Willow Branch - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 04.7206' N - 76° 43.7667' W; running southeasterly to a point on the south shore 36° 04.7138' N - 76° 43.7580' W.

(iii) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east

- shore 36° 14.0899' N - 76° 43.8533' W.
- (3) Bladen County:
- (a) Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam # 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
- (i) Natmore Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 34° 24.2841' N - 78° 16.4405' W; running easterly to a point on the east shore 34° 24.2852' N - 78° 16.4039' W.
- (4) Brunswick County:
- (a) Calabash River And Tributaries - All waters within this waterbody are designated as Coastal.
- (b) Saucepan Creek - All waters within this waterbody are designated as Coastal.
- (c) Shallotte River - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the south shore 33° 58.3412' N - 78° 23.1948' W; running northeasterly to a point on the north shore 33° 58.3518' N - 78° 23.1816' W.
- (i) Mill Dam Branch - All waters within this waterbody are designated as Coastal.
- (ii) Squash Creek - All waters within this waterbody are designated as Coastal.
- (iii) Mill Pond - All waters within this waterbody are designated as Coastal.
- (iv) Charles Branch - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 58.6276' N - 78° 21.2919' W; running easterly to a point on the east shore 33° 58.6257' N - 78° 21.2841' W.
- (v) Grisset Swamp - All waters within this waterbody are designated as Coastal.
- (vi) Little Shallotte River And Tributaries - All waters within this waterbody are designated as Coastal.
- (d) Lockwood Folly River - Inland Waters northeast and Coastal Waters southwest of a line beginning at a point on the north shore 34° 00.6550' N - 78° 15.8134' W; running southeasterly along the south side of NC Hwy 211 bridge to a point on the south shore 34° 00.6285' N - 78° 15.7928' W.
- (i) Stanberry Creek - All waters within this waterbody are designated as Coastal.
- (ii) Pompeys Creek - All waters within this waterbody are designated as Coastal.
- (iii) Maple Creek - All waters within this waterbody are designated as Coastal.
- (iv) Rubys Creek - All waters within this waterbody are designated as Coastal.
- (v) Big Doe Creek - All waters within this waterbody are designated as Coastal.
- (vi) Lennons Creek - All waters within this waterbody are designated as Coastal.
- (vii) Mercers Mill Pond Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 33° 57.7498' N - 78° 12.3532' W; running southeasterly to a point on the east shore 33° 57.7439' N - 78° 12.3440' W.
- (e) Elizabeth River - All waters within this waterbody are designated as Coastal.
- (i) Ash Creek - All waters within this waterbody are designated as Coastal.
- (f) Beaverdam Creek - All waters within this waterbody are designated as Coastal.
- (g) Dutchman Creek - All waters within this waterbody are designated as Coastal.
- (i) Calf Gully Creek - All waters within this waterbody are designated as Coastal.
- (ii) Jumpin Run - All waters within this waterbody are designated as Coastal.
- (iii) Fiddlers Creek - All waters within this waterbody are designated as Coastal.
- (h) Cape Fear River - Joint Waters north and Coastal Waters south of a line

beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.

- (i) Duke Energy Progress Brunswick Nuclear Plant Intake Canal - All waters within this waterbody are designated as Coastal.
- (ii) Walden Creek - All waters within this waterbody are designated as Coastal.
- (iii) Orton Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 02.8436' N - 77° 56.7498' W; running southerly to a point on the south shore 34° 02.8221' N - 77° 56.7439' W.
- (iv) Lilliput Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 04.1924' N - 77° 56.5361' W; running southerly to a point on the south shore 34° 04.1487' N - 77° 56.5447' W.
- (v) Sandhill Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 06.9584' N - 77° 57.0085' W; running southeasterly to a point on the south shore 34° 06.9371' N - 77° 56.9943' W.
- (vi) Town Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 07.7492' N - 77° 57.3445' W; running southerly to a point on the south shore 34° 07.7034' N - 77° 57.3431' W.
- (vii) Mallory Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 09.9868' N - 77° 58.2023' W; running southerly to a point on the south shore 34° 09.9618' N - 77° 58.2133' W.
- (viii) Brunswick River - Joint Waters northwest and

Coastal Waters southeast of a line beginning at a point on the south shore 34° 10.7281' N - 77° 57.7793' W; running northeasterly to a point on the north shore 34° 10.9581' N - 77° 57.6452' W.

- (A) Alligator Creek:
 - (I) Southernmost entrance: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 13.5040' N - 77° 58.6331' W; running northwesterly to a point on the north shore 34° 13.5472' N - 77° 58.6628' W; and
 - (II) Northernmost entrance: Inland Waters east and Joint Waters west of a line beginning at a point on the south shore 34° 14.4300' N - 77° 59.2346' W; running northerly to a point on the north shore 34° 14.4618' N - 77° 59.2300' W.
- (B) Jackeys Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the south shore 34° 11.9400' N - 77° 58.5859' W; running northerly to a point on the north shore 34° 11.9565' N - 77° 58.5859' W.
- (C) Sturgeon Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 14.6761' N - 77°

- 59.4145' W;
running southerly to
a point on the south
shore 34° 14.6404'
N - 77° 59.4058' W.
- (ix) Cartwheel Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 15.7781' N - 77° 59.3852' W; running southerly to a point on the south shore 34° 15.7564' N - 77° 59.3898' W.
- (x) Indian Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 17.0441' N - 78° 00.3662' W; running southwesterly to a point on the south shore 34° 17.0006' N - 78° 00.3977' W.
- (xi) Hood Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 34° 20.3713' N - 78° 04.7492' W; running southwesterly to a point on the south shore 34° 20.3393' N - 78° 04.7373' W.
- (xii) Northwest Creek - All waters within this waterbody are designated as Inland.
- (5) Camden County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Raymond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.0746' N - 76° 03.3952' W; running easterly to a point on the east shore 36° 14.0711' N - 76° 03.3668' W.
- (B) Portohonk Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 15.0519' N - 76° 05.2793' W; running southeasterly to a point on the east shore 36° 15.0391' N - 76° 05.2532' W.
- (C) Areneuse Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 17.3133' N - 76° 08.1655' W; running southeasterly to a point on the east shore 36° 17.1328' N - 76° 07.6269' W.
- (iii) North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.
- (A) Wading Gut - Inland Waters south and Joint Waters north of a line beginning at a point

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| | on the west shore
36° 10.6054' N - 75°
55.9529' W;
running
southeasterly to a
point on the east
shore 36° 10.5777'
N - 75° 55.8654' W. | | Waters northwest
and Joint Waters
southeast of a line
beginning at a point
on the north shore
36° 16.4746' N - 76°
07.6377' W;
running
southwesterly to a
point on the south
shore 36° 16.2030'
N - 76° 57.8897' W. |
| (B) | Little Broad Creek -
Inland Waters south
and Joint Waters
north of a line
beginning at a point
on the west shore
36° 11.6530' N - 75°
57.2035' W;
running
southeasterly to a
point on the east
shore 36° 11.5587'
N - 75° 56.9160' W. | (G) | Public Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
36° 17.2462' N - 75°
58.2774' W;
running southerly to
a point on the south
shore 36° 17.2121'
N - 75° 58.2788' W. |
| (C) | Broad Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
36° 12.2197' N - 75°
57.2685' W;
running southerly to
a point on the south
shore 36° 11.6766'
N - 75° 57.2254' W. | (H) | Cow Creek - Inland
Waters west and
Joint Waters east of
a line beginning at a
point on the north
shore 36° 17.8667'
N - 75° 58.3483' W;
running southerly to
a point on the marsh
island 36° 17.7600'
N - 75° 58.3300' W;
running southerly
following the
eastern shoreline of
the island to a point
36° 17.7122' N - 75°
58.3273' W;
running
southwesterly to a
point on the south
shore 36° 17.6522'
N - 75° 58.3543' W. |
| (D) | Hunting Creek -
Inland Waters
southwest and Joint
Waters northeast of
a line beginning at a
point on the north
shore 36° 15.0480'
N - 75° 57.5820' W;
running
southeasterly to a
point on the south
shore 36° 14.9308'
N - 75° 57.4635' W. | | |
| (E) | Abel Creek - Inland
Waters west and
Joint Waters east of
a line beginning at a
point on the north
shore 36° 15.9530'
N - 75° 58.0348' W;
running southerly to
a point on the south
shore 36° 15.8553'
N - 75° 58.0842' W. | (I) | Great Creek: |
| (F) | Back Landing
Creek - Inland | (I) | Mouth: Inland
Waters west
and Joint
Waters east of a
line beginning
at a point on the
north shore 36°
18.1045' N -
75° 58.4289'
W; running
southerly to a
point on the |

- | | | | |
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| | | <p>south shore 36° 17 9882' N - 75° 58.4458' W; and</p> <p>(II) On north shore of Great Creek within the fourth tributary: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 18.1729' N - 75° 58.9137' W; running southeasterly to a point on the south shore 36° 18.1640' N - 75° 58.9022' W.</p> <p>(J) Indiantown Creek - All waters within this waterbody are designated as Inland.</p> | <p>waterbody are designated as Coastal.</p> <p>(B) Southwest Creek - All waters within this waterbody are designated as Coastal.</p> <p>(C) West Fork - All waters within this waterbody are designated as Inland.</p> <p>(D) East Creek - All waters within this waterbody are designated as Inland.</p> <p>(E) Eastman Creek - All waters within this waterbody are designated as Coastal.</p> |
| (6) | Carteret County: | | |
| | (a) | Neuse River - All waters within this waterbody are designated as Coastal. | |
| | (i) | Adams Creek - All waters within this waterbody are designated as Coastal. | |
| | (A) | Back (Black) Creek - All waters within this waterbody are designated as Coastal. | |
| | (B) | Cedar Creek - All waters within this waterbody are designated as Coastal. | |
| | (ii) | Garbacon Creek - All waters within this waterbody are designated as Coastal. | |
| | (iii) | South River - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 34° 53.5068' N - 76° 31.1233' W; running northeasterly to a point on the east shore 34° 53.4494' N - 76° 31.3032' W. | |
| | (A) | Big Creek - All waters within this | |
| | | | (iv) Browns Creek - All waters within this waterbody are designated as Coastal. |
| | | | (b) North River - All waters within this waterbody are designated as Coastal. |
| | | | (i) Panter Cat Creek - All waters within this waterbody are designated as Coastal. |
| | | | (ii) Cypress Creek - All waters within this waterbody are designated as Coastal. |
| | | | (c) Newport River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 45.2478' N - 76° 46.4479' W; running southerly to a point on the south shore 34° 45.1840' N - 76° 46.4488' W. |
| | | | (i) Core Creek - All waters within this waterbody are designated as Coastal. |
| | | | (ii) Harlowe Creek - All waters within this waterbody are designated as Coastal. |
| | | | (iii) Bogue Sound And Tributaries - All waters within these waterbodies are designated as Coastal. |
| | | | (d) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W. |
| | | | (i) Pettiford Creek - Inland Waters east and Coastal |

- Waters west of a line beginning at a point on the north shore 34° 42.6935' N - 77° 04.0745' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 42.6569' N - 77° 04.0786' W.
 - (ii) Little Hadnotts Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 45.0839' N - 77° 06.5931' W; running northerly to an easterly point on the east shore 34° 45.0867' N - 77° 06.5780' W.
 - (iii) Hadnotts Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 45.9908' N - 77° 05.7847' W; running along the west side of the Highway 58 bridge to a point on the south shore 34° 45.9738' N - 77° 05.7810' W.
 - (iv) Neds Creek - All waters within this waterbody are designated as Coastal.
 - (v) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N - 77° 09.9160' W.
- (7) Chowan County:
 - (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
 - (iii) Queen Anne Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.3757' N - 76° 36.3629' W; running southerly to a point on the south shore 36° 03.3551' N - 76° 36.3574' W.
 - (iv) Pembroke Creek (Pollock Swamp) - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 03.2819' N - 76° 37.0138' W; running northeasterly to a point on the east shore 36° 03.4185' N - 76° 36.6783' W.
 - (v) Chowan River - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the west shore 36° 02.3162' N - 76° 42.4896' W; running northeasterly to a point on the east shore 36° 03.1013' N - 76° 40.8732' W.
 - (A) Rocky Hock Creek - Inland Waters east and Joint Waters west of a line beginning on the west shore at a point 36° 06.5662' N - 76° 41.3108' W; running southeasterly to a point on the east shore at 36° 06.6406' N - 76° 41.4512' W.
 - (B) Dillard (Indian) Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 14.2234' N - 76° 41.5901' W; running southerly to a point on the south shore 36° 14.2023' N - 76° 41.5855' W.
 - (C) Stumpy Creek - Inland Waters east

- and Joint Waters west of a line beginning at a point on the north shore 36° 16.6440' N - 76° 40.4251' W; running southerly to a point on the south shore 36° 16.6255' N - 76° 40.4196' W.
- (D) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
- (8) Columbus County:
- (a) Cape Fear River - All waters within this waterbody are designated as Joint.
- (i) Livingston Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.1518' N - 78° 12.0358' W; running easterly to a point on the east shore 34° 21.1420' N - 78° 12.0018' W.
- (ii) Waymans Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 34° 22.9861' N - 78° 14.5266' W; running southeasterly to a point on the east shore 34° 22.9838' N - 78° 14.5236' W.
- (9) Craven County:
- (a) Neuse River - Inland Waters west and Joint Waters east of a line at Pitch Kettle Creek beginning at a point on the north shore 35° 16.9793' N - 77° 15.5529' W; running south to a point on the south shore 35° 16.9237' N - 77° 15.5461' W. Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the east shore 35° 07.7096' N - 77° 01.6749' W; running southwesterly along the southern side of the Southern Railroad bridge to a point on the west shore 35° 07.1530' N - 77° 02.5570' W.
- (i) Adams Creek - All waters within this waterbody are designated as Coastal.
- (A) Back Creek - All waters within this waterbody are designated as Coastal.
- (ii) Courts Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 56.6958' N - 76° 42.7175' W; running southwesterly to a point on the south shore 34° 56.6606' N - 76° 42.7450' W.
- (iii) Long Branch - Inland Waters south and Coastal Waters north of a line beginning on the west shore 34° 55.6189' N - 76° 43.8180' W; running easterly to a point on the east shore 34° 55.6175' N - 76° 43.7846' W.
- (iv) Clubfoot Creek - All waters within this waterbody are designated as Coastal.
- (A) Gulden Creek - All waters within this waterbody are designated as Coastal.
- (B) Mitchell Creek - All waters within this waterbody are designated as Coastal.
- (C) Morton Mill Pond - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 51.9245' N - 76° 45.7754' W; running southerly to a point on the south shore 34° 51.7799' N - 76° 45.8184' W.
- (v) Hancock Creek - Coastal Waters east and Inland Waters west of a line beginning on the north shore at 34° 56.3420' N - 76° 51.2809' W; running southerly to a point on the

- south shore at 34° 56.2731' N - 76° 51.3034' W.
- (vi) Slocum Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore at 34° 57.1875' N - 76° 53.7648' W; running southwesterly to a point on the south shore 34° 57.1334' N - 76° 53.8069' W.
- (vii) Scott Creek - Inland Waters west and Coastal Waters east of a line from a point on the north shore 35° 05.5723' N - 77° 02.0677' W; running southerly to a point on the south shore 35° 05.5316' N - 77° 02.0745' W.
- (viii) Trent River - Inland Waters west and Joint Waters east of a line at Wilson Creek beginning at a point on the north shore 35° 04.05490' N - 77° 06.0987' W; running southerly to a point on the south shore 35° 04.3837' N - 77° 06.1230' W. Joint Waters west and Coastal Waters east of a line on the western side of the Highway 70 Trent River Bridge beginning at a point on the north shore 35° 06.2136' N - 77° 02.1968' W; running southerly to a point on the south shore 35° 05.9351' N - 77° 02.2645' W.
- (A) Brice Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 04.5114' N - 77° 03.6433' W; running easterly to a point on the east shore 35° 04.5634' N - 77° 03.4469' W.
- (ix) Jack Smith Creek - Inland Waters southwest and Joint Waters northeast of a line beginning on the west shore 35° 07.5482' N - 77° 03.1613' W; running southeasterly to a point on the east shore 35° 07.5320' N - 77° 03.1338' W.
- (x) Bachelor Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 09.0099' N - 77° 04.5858' W; running southerly to a point on the south shore 35° 08.9085' N - 77° 04.7172' W.
- (xi) Dollys Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 13.6303' N - 77° 09.9847' W; running southerly to a point on the south shore 35° 13.5937' N - 77° 09.9778' W.
- (xii) Greens Thorofare:
 (A) Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 13.7807' N - 77° 09.9224' W; running southwesterly to a point on the south shore 35° 13.7587' N - 77° 09.9728' W; and
 (B) Westernmost entrance: Inland Waters south and Joint Waters north of a line beginning on the west shore 35° 14.1398' N - 77° 11.5530' W; running easterly to a point on the east shore 35° 14.1481' N - 77° 11.5036' W.
- (xiii) Greens Creek - Inland Waters west and Joint Waters east of a line beginning on the north shore 35° 14.1883' N - 77° 11.8862' W; running southeasterly to a point on the south shore 35° 14.1389' N - 77° 11.7535' W.
- (xiv) Turkey Quarter Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 15.6738' N - 77° 14.6823' W; running southeasterly to a point on

- the east shore 35° 15.6534' N
- 77° 14.6470' W.
- (xv) Pitch Kettle Creek - All waters within this waterbody are designated as Inland.
- (xvi) Taylors Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 14.3719' N - 77° 10.8050' W; running southwesterly to a point on the south shore 35° 14.3300' N - 77° 10.8352' W.
- (xvii) Pine Tree Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 12.6663' N - 77° 07.4285' W; running southwesterly to a point on the south shore 35° 12.7033' N - 77° 07.3594' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 12.8553' N - 77° 07.8300' W; running easterly to a point on the east shore 35° 12.8372' N - 77° 07.7934' W. Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 13.2012' N - 77° 08.7753' W; running southeasterly to a point on the east shore 35° 13.1714' N - 77° 08.7071' W.
- (xviii) Stumpy Creek:
- (A) Southernmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the north shore 35° 11.5752' N - 77° 06.1866' W; running southwesterly to a point on the south shore 35° 11.5550' N - 77° 06.2411' W; and
- (B) Northernmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.9377' N - 77° 06.7263' W; running southeasterly to a point on the south shore 35° 11.9169' N - 77° 06.7044' W.
- (xix) Swift Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 11.5972' N - 77° 06.0562' W; running easterly to a point on the east shore 35° 11.5816' N - 77° 05.9861' W.
- (xx) Mill Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 08.5041' N - 77° 02.3400' W; running south easterly to a point on the south shore 35° 08.4711' N - 77° 02.3176' W.
- (xxi) Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the north shore 35° 05.7648' N - 77° 00.5191' W; running south easterly to a point on the south shore at 35° 05.6803' N - 77° 00.4179' W.
- (xxii) Northwest Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.5096' N - 76° 58.2604' W; running northeasterly to a point on the east shore at 35° 03.5948' N - 76° 58.0297' W.
- (xxiii) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly along the Tideland's EMC power lines to a point on the east shore at 35° 04.4705' N - 76° 56.2115' W.
- (10) Currituck County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.

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| (ii) | <p>North River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.7703' N - 75° 58.7384' W; running southerly to a point on the south shore 36° 18.4130' N - 75° 58.7228' W. Joint Waters north and Coastal Waters south of a line beginning on the west shore 36° 09.8986' N - 75° 54.6771' W; running easterly to a point on the east shore 36° 10.0108' N - 75° 52.0431' W.</p> <p>(A) Duck Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 12.4056' N - 75° 54.2967' W; running southeasterly to a point on the east shore 36° 12.1865' N - 75° 54.0298' W.</p> <p>(B) Barnett Creek - Inland Waters northeast and Joint Waters southwest of line beginning at a point on the north shore 36° 14.2405' N - 75° 55.0112' W; running southeasterly to a point on the south shore 36° 14.0956' N - 75° 54.9774' W.</p> <p>(C) Lutz Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 14.7397' N - 75° 55.4914' W; running southeasterly to a point on the east shore 36° 14.4948' N - 75° 55.1989' W.</p> <p>(D) Goose Creek:</p> <p style="padding-left: 20px;">(I) Southernmost entrance:
Inland Waters north and Joint</p> | <p>Waters south of a line beginning at a point on the west shore 36° 15.5152' N - 75° 57.0936' W; running easterly to a point on the east shore 36° 15.4016' N - 75° 56.7842' W; and</p> <p>(II) Northernmost entrance:
Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.0334' N - 75° 57.1018' W; running easterly to a point on the east shore 36° 16.0301' N - 75° 57.0629' W.</p> <p>(E) Deep Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 17.1576' N - 75° 56.7594' W; running southerly to a point on the south shore 36° 16.9846' N - 75° 56.6802' W.</p> <p>(F) Narrow Ridges Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 18.3249' N - 75° 57.8910' W; running southerly to a point on the south shore 36° 18.1388' N - 75° 57.9029' W.</p> <p>(G) Bump Landing Creek - Inland Waters east and Joint Waters west of</p> |
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- a line beginning at a point on the north shore 36° 19.3757' N - 75° 57.9057' W; running southerly to a point on the south shore 36° 19.2496' N - 75° 57.9107' W.
- (H) Taylor Bay - All waters within this waterbody are designated as Joint.
- (I) Intracoastal Waterway From Taylor Bay To Coinjock Bay - All waters within this part of the Intracoastal Waterway are designated as Joint.
- (J) Indiantown Creek - All waters within this waterbody are designated as Inland.
- (b) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore of Currituck Sound 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Coinjock Bay - All waters within this waterbody are designated as Joint.
- (iii) Nelson (Nells) Creek:
- (A) Northernmost entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 16.5806' N - 75° 52.1168' W; running northeasterly to a point on the east shore 36° 16.6410' N - 75° 51.9580' W; and
- (B) Southernmost entrance: Inland Waters west and
- Joint Waters east of a line beginning at a point on the north shore 36° 15.9816' N - 75° 51.7245' W; running southerly to a point on the south shore 36° 15.8640' N - 75° 51.6897' W.
- (iv) Hog Quarter Creek:
- (A) Northernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.7400' N - 75° 48.6254' W; running southerly to a point on the south shore 36° 07.7210' N - 75° 48.6135' W; and
- (B) Southernmost entrance: Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 07.4118' N - 75° 48.4986' W; running southerly to a point on the south shore 36° 07.3532' N - 75° 48.5110' W.
- (v) Parkers Creek - Inland Waters northwest and Joint Waters southeast of a line beginning on the west shore 36° 22.1079' N - 75° 55.5459' W; running northeasterly to a point on the east shore 36° 22.1607' N - 75° 55.4512' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.3928' N - 75° 55.6970' W; running northeasterly to a point on the east shore 36° 22.4011' N - 75° 55.6782' W.
- (vi) North Landing River - All waters within this waterbody are designated as Joint.
- (A) Northwest River - Inland Waters west and Joint Waters east of a line beginning at a point

- on the north shore of
 36° 30.8374' N - 76°
 04.8770' W;
 running southerly to
 a point on the south
 shore 36° 30.7061'
 N - 76° 04.8916' W.
- (I) Gibbs Canal -
 Inland Waters
 west and Joint
 Waters east of a
 line beginning
 at a point on the
 north shore 36°
 32.2322' N -
 76° 01.8923'
 W; running
 southerly to a
 point on the
 south shore 36°
 32.1997' N -
 76° 01.8937'
 W.
- (II) Tull Creek -
 Inland Waters
 southwest and
 Joint Waters
 northeast of a
 line beginning
 at a point on the
 north shore 36°
 30.0991' N -
 76° 04.8587'
 W; running
 southeasterly to
 a point on the
 south shore 36°
 29.9599' N -
 76° 04.7126'
 W.
- (B) West Landing -
 Inland Waters north
 and Joint Waters
 south of a line
 beginning at a point
 on the west shore
 36° 30.9867' N - 76°
 02.5868' W;
 running easterly to a
 point on the east
 shore 36° 31.0045'
 N - 76° 02.3780' W.
- (11) Dare County:
- (a) Alligator River - Coastal Waters north
 and Joint Waters south of a line
 beginning at a point on the west shore
 35° 54.2903' N - 76° 01.6818' W;
 running along the south side of the US
- 64 bridge to a point on the east shore
 35° 53.6835' N - 75° 58.8578' W.
- (i) Whipping Creek - Inland
 Waters east and Joint Waters
 west of a line beginning at a
 point on the north shore 35°
 41.3930' N - 76° 00.2481' W;
 running southerly to a point
 on the south shore 35°
 41.3717' N - 76° 00.2554' W.
- (ii) Swan Creek and Lake -
 Inland Waters east and Joint
 Waters west of a line
 beginning at a point on the
 north shore 35° 40.2674' N -
 76° 00.7360' W; running
 southerly to a point on the
 south shore 35° 40.2420' N -
 76° 00.7548' W.
- (iii) Milltail Creek - Inland
 Waters east and Joint Waters
 west of a line beginning at a
 point on the north shore 35°
 50.5192' N - 75° 58.6134' W;
 running southerly to a point
 on the south shore 35°
 50.4956' N - 75° 58.6158' W.
- (iv) Laurel Bay Lake (Creek) -
 Inland Waters east and Joint
 Waters west of a line
 beginning at a point on the
 north shore 35° 52.4036' N -
 75° 58.8560' W; running
 southerly to a point on the
 south shore 35° 52.3960' N -
 75° 58.8528' W.
- (v) East Lake - Coastal Waters
 west and Inland Waters east
 of a line beginning at a point
 on the north shore 35°
 56.1676' N - 75° 55.2603' W;
 running southerly to a point
 on the south shore 35°
 55.4727' N - 75° 55.5043' W.
 Joint Waters north and Inland
 Waters south of a line
 beginning at a point on the
 west shore 35° 58.6402' N -
 75° 52.1855' W; running
 easterly to a point on the east
 shore 35° 58.5887' N - 75°
 51.7080' W.
- (b) Albemarle Sound - All waters within
 this waterbody are designated as
 Coastal.
- (i) All Manmade Tributaries -
 All manmade tributaries
 within this waterbody are
 designated as Joint.

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| <p>(ii) Kitty Hawk Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 03.1967' N - 75° 44.3087' W; running easterly to a point on the east shore 36° 03.1871' N - 75° 44.2716' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 03.1338' N - 75° 44.2423' W; running southerly to a point on the south shore 36° 03.0919' N - 75° 44.2533' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.9960' N - 75° 44.2840' W; running southerly to a point on the south shore 36° 02.9592' N - 75° 44.2291' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 02.4964' N - 75° 44.2089' W; running southerly to a point on the south shore 36° 01.3270' N - 75° 43.6422' W.</p> <p>(iii) Peter Mashoes Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 57.2344' N - 75° 48.3087' W; running southerly to a point on the south shore 35° 56.7805' N - 75° 48.3563' W.</p> <p>(iv) Tom Mann Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 58.5296' N - 75° 52.8982' W; running easterly to a point on the east shore 35° 58.5175' N - 75° 53.6851' W.</p> <p>(v) Collington Harbor - Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 36° 01.0828' N - 75° 43.6070' W; running southerly to a point on the south shore 36° 01.0510' N - 75° 43.6015' W.</p> | <p>(c) Croatan Sound - All waters within this waterbody are designated as Coastal.</p> <p>(i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.</p> <p>(ii) Spencer Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.4205' N - 75° 45.0645' W; running southerly to a point on the south shore 35° 51.3876' N - 75° 45.0640' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.5597' N - 75° 45.0141' W; running southerly to a point on the south shore 35° 51.4624' N - 75° 45.0498' W. Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.6783' N - 75° 44.9125' W; running southerly to a point on the south shore 35° 51.5693' N - 75° 45.0109' W.</p> <p>(iii) Calahan Creek (Callaghan Creek) - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 51.1312' N - 75° 45.1327' W; running southwesterly to a point on the south shore 35° 51.0953' N - 75° 45.1629' W.</p> <p>(d) Roanoke Sound - All waters within this waterbody are designated as Coastal.</p> <p>(i) Buzzard Bay - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 59.6662' N - 75° 41.8400' W; running easterly to a point on the east shore 35° 59.4376' N - 75° 40.5770' W.</p> <p>(e) Pamlico Sound - All waters within this waterbody are designated as Coastal.</p> <p>(i) Stumpy Point Bay - All waters within this waterbody are designated as Coastal.</p> <p>(A) All Manmade Tributaries - All manmade</p> |
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- tributaries within this waterbody are designated as Joint.
 - (ii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
 - (A) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (B) Pains Bay - All waters within this waterbody are designated as Coastal.
 - (I) Pains Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 36.4464' N - 75° 49.0420' W; running easterly to a point on the east shore 35° 36.4439' N - 75° 49.0324' W.
 - (C) Deep Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 37.8971' N - 75° 51.3125' W; running easterly to a point on the east shore 35° 37.8840' N - 75° 51.2928' W.
 - (f) Currituck Sound - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 04.8195' N - 75° 47.4101' W; running easterly to a point on the east shore 36° 05.5739' N - 75° 44.5729' W.
 - (i) All Manmade Tributaries - All manmade tributaries
- within this waterbody are designated as Joint.
 - (ii) Martin Point Creek (Jean Guite Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 07.6716' N - 75° 44.9656' W; running easterly to a point on the east shore 36° 07.7568' N - 75° 44.6823' W.
- (12) Gates County:
 - (a) Chowan River - All waters within this waterbody are designated as Joint.
 - (i) Catherine (Warwick) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the west shore 36° 18.1011' N - 76° 41.1286' W; running southeasterly to a point on the east shore 36° 17.9413' N - 76° 40.8627' W.
 - (ii) Bennetts Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.3499' N - 76° 42.0286' W; running northeasterly to a point on the east shore 36° 18.4057' N - 76° 41.6986' W.
 - (iii) Beef Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 20.3235' N - 76° 44.6401' W; running easterly to a point on the east shore 36° 20.3070' N - 76° 44.5797' W.
 - (iv) Sarem Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 36° 21.7259' N - 76° 46.4085' W; running southerly to a point on the south shore 36° 21.6748' N - 76° 46.4392' W.
 - (v) Shingle (Island) Creek:
 - (A) Westernmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the north shore 36° 21.8449' N - 76° 48.0940' W; running

- southeasterly to a point on the south shore 36° 21.7831' N - 76° 48.0427' W; and
- (B) Easternmost entrance: Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 21.8469' N - 76° 47.2668' W; running northeasterly to a point on the east shore 36° 21.9062' N - 76° 47.1862' W.
- (vi) Barnes Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the western shore 36° 21.8820' N - 76° 48.6419' W; running easterly to a point on the east shore 36° 21.8978' N - 76° 48.5902' W.
- (vii) Spikes Creek - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 22.6515' N - 76° 50.8882' W; running northeasterly to a point on the east shore 36° 22.6684' N - 76° 50.8493' W.
- (viii) Buckhorn Creek (Run Off Swamp) - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 22.9682' N - 76° 51.9172' W; running easterly to a point on the east shore 36° 22.9614' N - 76° 51.8870' W.
- (ix) Mud Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 23.5134' N - 76° 53.9131' W; running easterly to a point on the east shore 36° 23.5132' N - 76° 53.8815' W.
- (x) Somerton Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.7177' N - 76° 54.8327' W; running easterly to a point on the east shore 36° 31.7143' N - 76° 54.7810' W.
- (13) Halifax County:
- (a) Roanoke River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.5264' N - 77° 23.0223' W; running northeasterly along the south side of the Highway 258 Bridge to a point on the east shore 36° 12.5674' N - 77° 22.9724' W.
- (i) Kehukee Swamp - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.1942' N - 77° 18.9596' W; running southwesterly to a point on the south shore 36° 05.1670' N - 77° 18.9761' W.
- (ii) Clarks Canal - Inland Waters north and Joint Waters south of a line of a line beginning at a point on the west shore 36° 04.6165' N - 77° 19.5817' W; running easterly to a point on the east shore 36° 04.6215' N - 77° 19.5643' W.
- (14) Hertford County:
- (a) Chowan River - All waters within this waterbody are designated as Joint.
- (i) Keel (Currituck) Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 14.1245' N - 76° 44.1961' W; running easterly to a point on the east shore 36° 14.0899' N - 76° 43.8533' W.
- (ii) Swain Mill (Taylor Pond) Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 18.5808' N - 76° 43.4729' W; running southerly to a point on the south shore 36° 18.5616' N - 76° 43.4706' W.
- (iii) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 19.5838' N - 76° 44.5971' W; running southerly to a point on the south shore 36° 19.5375' N - 76° 44.5925' W.
- (iv) Wiccacon River - Inland Waters west and Joint Waters east of a line beginning at a

- point on the north shore 36° 20.5439' N - 76° 45.4550' W; running southeasterly to a point on the south shore 36° 20.4684' N - 76° 45.3392' W.
- (v) Hodges Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 21.2459' N - 76° 46.3421' W; running southerly to a point on the south shore 36° 21.1823' N - 76° 46.3243' W.
- (vi) Catherine Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 22.9579' N - 76° 53.1994' W; running southeasterly to a point on the east shore 36° 22.9456' N - 76° 53.1742' W.
- (vii) Harris (Hares) Mill Creek - All waters within this waterbody are designated as Inland.
- (viii) Meherrin River - All waters within this waterbody are designated as Joint.
- (A) Potecasi Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 26.1234' N - 76° 57.5262' W; running southeasterly to a point on the east shore 36° 26.1005' N - 76° 57.4960' W.
- (B) Liverman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 26.7244' N - 76° 58.2797' W; running easterly to a point on the east shore 36° 26.7086' N - 76° 58.2499' W.
- (C) Vaughan's Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 28.3541' N - 77° 05.6259' W; running southerly to a point on the south shore 36° 28.3307' N - 77° 05.6369' W.
- (D) Banks Creek - All waters within this waterbody are designated as Inland.
- (ix) Buckhorn Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 31.9519' N - 76° 55.2580' W; running easterly to a point on the east shore 36° 31.9628' N - 76° 55.2429' W.
- (15) Hyde County:
- (a) Pamlico Sound - All waters within this waterbody are designated as Coastal.
- (i) Pungo River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 34.2702' N - 76° 30.1354' W; running northeasterly to a point on the east shore 35° 34.3192' N - 76° 30.0238' W. Joint Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 32.0974' N - 76° 29.6067' W; running southerly to a point on the south shore 35° 30.2620' N - 76° 29.3843' W.
- (A) Rutman Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 33.1874' N - 76° 27.4090' W; running easterly to a point 35° 33.1759' N - 76° 27.2525' W; running northeasterly to a point on the east shore 35° 33.2455' N - 76° 26.9119' W.
- (B) Wilkerson Creek - Inland Waters south and Joint Waters

- north of a line beginning at a point on the west shore 35° 33.1251' N - 76° 27.2328' W; running northerly to a point 35° 33.1553' N - 76° 27.2447' W; running easterly to a point on the east shore 35° 33.3286' N - 76° 26.2019' W.
- (C) Intracoastal Waterway From Wilkerson Creek To Alligator River At Winn Bay - All waters within this part of the Intracoastal Waterway are designated as Joint.
- (D) Horse Island Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 32.1965' N - 76° 28.0462' W; running southerly to a point on the south shore 35° 32.1480' N - 76° 28.0705' W.
- (E) Tarklin Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 31.1553' N - 76° 28.1478' W; running southeasterly to a point on the south shore 35° 31.0974' N - 76° 28.0984' W.
- (F) Scranton Creek - Inland Waters east and Joint Waters west of line beginning at a point on the north shore 35° 30.0080' N - 76° 26.7759' W; running southerly to a point on the south shore 35° 29.9574' N - 76° 26.7750' W.
- (G) Smith Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 30.2812' N - 76° 29.7546' W; running southeasterly to a point on the east shore 35° 30.1904' N - 76° 29.4657' W.
- (H) Fishing Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the west shore 35° 30.2400' N - 76° 35.0143' W; running southeasterly to a point on the east shore 35° 30.0645' N - 76° 34.8211' W.
- (I) Slades Creek - All waters within this waterbody are designated as Coastal.
- (J) Fortescue Creek - All waters within this waterbody are designated as Coastal.
- (ii) Rose Bay - All waters within this waterbody are designated as Coastal.
- (A) Rose Bay Creek - All waters within this waterbody are designated as Coastal.
- (B) Rose Bay Canal - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 35° 28.5607' N - 76° 19.6545' W; running southerly to a point on the south shore 35° 28.5509' N - 76° 19.6572' W. Joint Waters north and Coastal Waters south of a line

- beginning at a point
on the west shore
35° 27.8491' W -
76° 24.2198' W;
running easterly to a
point on the east
shore 35° 27.8404'
N - 76° 24.2065' W.
- (iii) Swan Quarter Bay - All
waters within this waterbody
are designated as Coastal.
- (A) Oyster Creek - All
waters within this
waterbody are
designated as
Coastal.
- (iv) Juniper Bay - All waters
within this waterbody are
designated as Coastal.
- (A) Juniper Bay Creek -
Joint Waters east
and Coastal Waters
west of a line
beginning at a point
on the north shore
35° 23.2472' N - 76°
14.8754' W;
running
southwesterly to a
point on the south
shore 35° 23.1738'
N - 76° 14.9794' W.
- (B) Juniper Bay Creek
Canal - Inland
Waters north and
Joint Waters south
of a line beginning
at a point on the
west shore 35°
23.8618' N - 76°
13.1044' W;
running easterly to a
point on the east
shore 35° 23.8677'
N - 76° 13.0888' W.
- (v) Lake Mattamuskeet - All
waters within this waterbody
are designated as Inland.
- (A) Outfall Canal -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
35° 26.6017' N - 76°
10.1715' W;
running easterly to a
point on the east
shore 35° 26.6093'
- N - 76° 10.1513' W.
Joint Waters north
and Coastal waters
south of a line
beginning at a point
on the west shore
35° 21.4945' N - 76°
06.5336' W;
running
northeasterly to a
point on the east
shore 35° 21.5480'
N - 76° 06.4819' W.
- (B) Lake Landing Canal
- Inland Waters
north and Joint
Waters south of a
line beginning at a
point on the west
shore 35° 28.7878'
N - 76° 04.5867' W;
running easterly to a
point on the east
shore 35° 28.7910'
N - 76° 04.5726' W.
Joint Waters north
and Coastal Waters
south of a line
beginning at a point
on the west 35°
25.9529' N - 76°
03.6785' W;
running easterly to a
point on the east
shore 35° 25.9568'
N - 76° 03.6566' W.
Joint Waters north
and Coastal Waters
south of a line
beginning at a point
on the west shore
35° 25.9666' N - 76°
03.5856' W;
running easterly to a
point on the east
shore 35° 25.9819'
N - 76° 03.5600' W.
- (C) Waupopin Canal -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
35° 31.8413' N - 76°
01.7779' W;
running southerly to
a point on the south
shore 35° 31.8283'
N - 76° 01.7637' W.

- Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 31.5557' N - 75° 58.8725' W; running easterly to a point on the east shore 35° 31.5648' N - 75° 58.8555' W.
- (D) Rattlesnake Canal - Joint Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 26.6965' N - 76° 00.8079' W; running easterly to a point on the east shore 35° 26.7116' N - 76° 00.7749' W.
- (E) All Other Manmade Tributaries To Lake Mattamuskeet - All other manmade tributaries within this waterbody are designated as Inland.
- (vi) Middletown Creek - All waters within this waterbody are designated as Coastal.
- (vii) Long Shoal River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 38.7661' N - 75° 53.4429' W; running easterly to a point on the east shore 35° 38.7641' N - 75° 53.4159' W.
- (A) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (B) Broad Creek - All waters within this waterbody are designated as Coastal.
- (C) Flag Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the west shore 35° 37.3782' N - 75° 53.0699' W; running easterly to a point on the east shore 35° 37.3894' N - 75° 53.0593' W.
- (D) Cumberland Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 38.3026' N - 75° 53.3010' W; running southerly to a point on the south shore 35° 38.2692' N - 75° 53.3038' W.
- (b) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W; running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W.
- (i) Swan Creek and Lake - All waters within this waterbody are designated as Inland.
- (16) Jones County:
- (a) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running easterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (i) Grants Creek - All waters within this waterbody are designated as Inland.
- (ii) Hunters Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the northwest shore 34° 47.1205' N - 77° 09.9462' W; running southeasterly to a point on the southeast shore 34° 47.0947' N - 77° 09.9160' W.
- (17) Martin County:
- (a) Roanoke River - All waters within this waterbody are designated as Joint.
- (i) Prices Gut - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 57.3701' N - 77° 11.9815' W; running southerly to a point on the south shore 35° 57.3552' N - 77° 11.9796' W.

- (ii) Rainbow Gut - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.9334' N - 77° 11.3246' W; running easterly to a point on the east shore 35° 55.9275' N - 77° 11.3136' W.
 - (iii) Conoho Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 35° 52.5439' N - 77° 02.6673' W; running easterly to a point on the east shore 35° 52.5407' N - 77° 02.6280' W.
 - (iv) Sweetwater Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the west shore 35° 51.6464' N - 77° 00.5090' W; running southeasterly to a point on the east shore 35° 51.6252' N - 77° 00.4879' W.
 - (A) Peter Swamp - All waters within this waterbody are designated as Inland.
 - (v) Devils Gut - All waters within this waterbody are designated as Joint.
 - (A) Upper Deadwater Creek - All waters within this waterbody are designated as Joint.
 - (B) Lower Deadwater Creek - All waters within this waterbody are designated as Joint.
 - (C) Gardner Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 50.1599' N - 76° 56.0211' W; running easterly to a point on the east shore 35° 50.1633' N - 76° 55.9899' W.
 - (vi) Roses Creek - Inland Waters southeast and Joint Waters northwest of a line beginning at a point on the north shore 35° 50.1683' N - 76° 50.9664' W; running southwesterly to a point on the south shore 35° 50.1363' N - 76° 56.9907' W.
 - (vii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (18) New Hanover County:
- (a) Cape Fear River - Joint Waters north and Coastal Waters south of a line beginning at a point on the western side 34° 13.6953' N - 77° 57.2396' W; running southeasterly along the southern side of US 17-74-76 bridge to a point on the eastern side 34° 13.6214' N - 77° 57.0341' W.
 - (i) Lords Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 05.1562' N - 77° 55.3816' W; running southerly to a point on the south shore 34° 05.1303' N - 77° 55.4008' W.
 - (ii) Todds Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 07.4791' N - 77° 55.5175' W; running southeasterly to a point on the south shore 34° 07.4578' N - 77° 55.5116' W.
 - (iii) Barnards Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 09.4347' N - 77° 56.5969' W; running southerly to a point on the south shore 34° 09.3887' N - 77° 56.5791' W.
 - (iv) Greenfield Lake Outlet - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 12.7210' N - 77° 57.2058' W; running southerly to a point on the south shore 34° 12.7075' N - 77° 57.2085' W.
 - (v) Tommer Creek:

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| <p>(A) Southernmost entrance: Inland Waters northwest and Joint Waters southwest of a line beginning at a point on the west shore 34° 15.6397' N - 77° 58.9608' W; running northeasterly to a point on the east shore 34° 15.6589' N - 77° 58.9338' W; and</p> | <p>(B) shore 34° 15.9919' N - 77° 56.7961' W. Ness Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 17.1741' N - 77° 57.2460' W; running southeasterly to a point on the south shore 34° 17.1494' N - 77° 57.2044' W.</p> |
| <p>(B) Northernmost entrance: Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 16.6630' N - 77° 59.4699' W; running northeasterly to a point on the east shore 34° 16.6767' N - 77° 59.4506' W.</p> | <p>(C) Dock Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 18.1274' N - 77° 57.3847' W; running southwesterly to a point on the south shore 34° 18.1173' N - 77° 57.3678' W.</p> |
| <p>(vi) Catfish Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.7546' N - 77° 59.3751' W; running southeasterly to a point on the south shore 34° 16.7118' N - 77° 59.3870' W.</p> | <p>(D) Fishing Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 19.1613' N - 77° 57.2460' W; running southwesterly to a point on the south shore 34° 19.1331' N - 77° 57.2245' W.</p> |
| <p>(vii) Northeast Cape Fear River - Inland Waters north and Joint Waters south of a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of NC 210 bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.</p> | <p>(E) Prince George Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 34° 21.8481' N - 77° 57.0066' W; running northeasterly to a point on the east shore 34° 21.8778' N - 77° 57.9755' W.</p> |
| <p>(A) Smiths Creek - Inland Waters east and Joint Waters west of a line beginning at a point on the north shore 34° 16.0366' N - 77° 56.8405' W; running southeasterly to a point on the south</p> | <p>(F) Sturgeon Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore</p> |

- 34° 22.6796' N - 77° 51.6018' W;
running
northeasterly to a
point on the east
shore 34° 22.6931'
N - 77° 51.5776' W.
- (G) Island Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the south shore
34° 23.2509' N - 77°
47.3377' W ;
running
northeasterly to a
point on the north
shore 34° 23.3322'
N - 77° 49.3208' W.
- (19) Northampton County:
- (a) Roanoke River - Inland Waters
northwest and Joint Waters southeast
of a line beginning at a point on the
west shore 36° 12.5264' N - 77°
23.0223' W; running northeasterly
along the south side of the Highway
258 Bridge to a point on the east shore
36° 12.5674' N - 77° 22.9724' W.
- (i) Sandy Run (Norfleet Gut) -
Inland Waters north and Joint
Waters south of a line
beginning at a point on the
west shore 36° 10.1119' N -
77° 17.5396' W; running
northeasterly to a point on the
east shore 36° 10.1172' N -
77° 17.5316' W.
- (b) Meherrin River - All waters within this
waterbody up to the Virginia state line
are designated as Joint.
- (i) Vaughan's Creek - Inland
Waters west and Joint Waters
east of a line beginning at a
point on the north shore 36°
28.3541' N - 77° 05.6259' W;
running southerly to a point
on the south shore 36 °
28.3307' N - 77° 05.6369' W.
- (20) Onslow County:
- (a) Beasleys Creek (Barlow Creek) - All
waters within this waterbody are
designated as Coastal.
- (b) Kings Creek - All waters within this
waterbody are designated as Coastal.
- (c) Turkey Creek - All waters within this
waterbody are designated as Coastal.
- (d) Mill Creek - All waters within this
waterbody are designated as Coastal.
- (e) New River - Inland Waters north and
Coastal Waters south of a line
beginning at a point on the west shore
34° 45.1654' N - 77° 26.1222' W;
running easterly along the southern
side of the US Hwy 17 bridge to a
point on the east shore 34° 45.2007' N
- 77° 25.9790' W.
- (i) Wheeler Creek - All waters
within this waterbody are
designated as Coastal.
- (ii) Everett Creek - All waters
within this waterbody are
designated as Coastal.
- (iii) Stones Creek - All waters
within this waterbody are
designated as Coastal.
- (iv) Muddy Creek - All waters
within this waterbody are
designated as Coastal.
- (v) Mill Creek - All waters
within this waterbody are
designated as Coastal.
- (vi) Lewis Creek - All waters
within this waterbody are
designated as Coastal.
- (vii) Southwest Creek - Inland
Waters north and Coastal
Waters south of a line
beginning at a point on the
west shore 34° 40.8723' N -
77° 26.2399' W; running
northeasterly to a point on the
east shore 34° 40.9112' N -
77° 26.1758' W.
- (viii) Brinson Creek - Inland
Waters west and Coastal
Waters east of a line
beginning at a point on the
north shore 34° 44.0945' N -
77° 26.4335' W; running
southerly to a point on the
south shore 34° 44.0654' N -
77° 26.4239' W.
- (ix) Northeast Creek - Inland
Waters northeast and Coastal
Waters southwest of a line
beginning at a point on the
west shore 34° 44.0778' N -
77° 21.2640' W; running
southeasterly along the
southern side of the railroad
bridge to a point on the east
shore 34° 44.0446' N - 77°
21.2126' W.
- (x) Wallace Creek - Inland
Waters east and Coastal
Waters west of a line
beginning at a point on the

- north shore 34° 40.9604' N - 77° 21.5698' W; running southwesterly along the western side of the first bridge upstream from the mouth, to a point on the south shore 34° 40.8576' N - 77° 21.4787' W.
 - (xi) Codels Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.8845' N - 77° 20.4533' W; running southerly to a point on the south shore 34° 38.8691' N - 77° 20.4515' W.
 - (xii) French Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 34° 38.4059' N - 77° 20.2619' W; running southerly to a point on the south shore 34° 38.2566' N - 77° 20.3233' W.
 - (xiii) Duck Creek - Inland Waters southwest and Coastal Waters northeast of a line beginning at a point on the north shore 34° 38.0179' N - 77° 20.5169' W; running southwesterly to a point on the south shore 34° 37.9172' N - 77° 20.6520' W.
 - (f) Freeman (Browns) Creek - All waters within this waterbody are designated as Coastal.
 - (g) Bear Creek - All waters within this waterbody are designated as Coastal.
 - (h) Queens Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 42.5696' N - 77° 11.8550' W; running southerly to a point on the south shore 34° 42.4238' N - 77° 11.8550' W.
 - (i) Parrotts Swamp - All waters within this waterbody are designated as Coastal.
 - (i) White Oak River - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
 - (i) Stevens Creek - All waters within this waterbody are designated as Coastal.
 - (ii) Holland Mill (Mill Pond) Creek - All waters within this waterbody are designated as Coastal.
 - (iii) Webbs Creek - Inland Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore 34° 45.7559' N - 77° 10.1321' W; running southwesterly to a point on the south shore 34° 45.7404' N - 77° 10.1486' W.
 - (iv) Freemans Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 46.9791' N - 77° 10.3935' W; running southerly to a point on the south shore 34° 46.9663' N - 77° 10.3999' W.
 - (v) Calebs Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 34° 48.1354' N - 77° 11.4688' W; running southeasterly to a point on the south shore 34° 48.1192' N - 77° 11.4546' W.
 - (vi) Grants Creek - All waters within this waterbody are designated as Inland.
- (21) Pamlico County:
- (a) Pamlico River - All waters within this waterbody are designated as Coastal.
 - (i) Lower Goose Creek - All waters within this waterbody are designated as Coastal.
 - (A) Dixons Creek - All waters within this waterbody are designated as Coastal.
 - (B) Patons Creek - All waters within this waterbody are designated as Coastal.
 - (C) Wilson Creek - All waters within this waterbody are designated as Coastal.
 - (D) Eastham Creek - Inland Waters east and Coastal Waters west of a line beginning at a point

- on the north shore
35° 17.8205' N - 76°
35.1828' W;
running southerly to
a point on the south
shore 35° 17.6797'
N - 76° 35.1840' W.
- (E) Upper Spring Creek
- All waters within
this waterbody are
designated as
Coastal.
- (F) Intracoastal
Waterway from
Upper Spring Creek
To Gale Creek - All
waters within this
waterbody are
designated as
Coastal.
- (G) Hunting Creek -
Inland Waters south
and Coastal Waters
north of a line
beginning at a point
on the west shore
35° 16.7523' N - 76°
36.8138' W;
running easterly to a
point on the east
shore 35° 16.6779'
N - 76° 36.5885' W.
- (ii) Oyster Creek - All waters
within this waterbody are
designated as Coastal.
- (iii) Clark Creek - All waters
within this waterbody are
designated as Coastal.
- (A) Middle Prong - All
waters within this
waterbody are
designated as
Coastal.
- (B) James Creek - All
waters within this
waterbody are
designated as
Coastal.
- (b) Pamlico Sound - All waters within this
waterbody are designated as Coastal.
- (i) Porpoise Creek - All waters
within this waterbody are
designated as Coastal.
- (ii) Drum Creek - All waters
within this waterbody are
designated as Coastal.
- (iii) Bay River - Inland Waters
south and Coastal Waters
north of a line beginning at a
point on the north shore 35°
08.4601' N - 76° 45.9173' W;
running southeasterly to a
point on the south shore 35°
08.4436' N - 76° 45.8885' W.
- (A) Gale Creek - Inland
Waters west and
Coastal Waters east
of a line beginning
at a point on the
north shore 35°
13.3142' N - 76°
36.7089' W;
running
southwesterly to a
point on the south
shore 35° 13.2964'
N - 76° 36.7222' W.
- (B) Chadwick Creek -
All waters within
this waterbody are
designated as
Coastal.
- (C) Bear Creek - All
waters within this
waterbody are
designated as
Coastal.
- (D) Vandemere Creek -
Inland Waters north
and Coastal Waters
south of a line
beginning at a point
on the west shore
35° 12.0330' N - 76°
40.7460' W;
running
northeasterly to a
point on the east
shore 35° 12.0433'
N - 76° 40.7235' W.
- (I) Long Creek - All
waters within
this waterbody
are designated as
Coastal.
- (E) Smith Creek - All
waters within this
waterbody are
designated as
Coastal.
- (F) Chapel Creek -
Inland Waters north
and Coastal Waters
south of a line
beginning at a point
on the west shore
35° 10.0076' N - 76°
42.4909' W;

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| | running easterly to a point on the east shore 35° 10.0096' N - 76° 42.4722' W. | (c) | Neuse River - All waters within this waterbody are designated as Coastal. |
| (G) | Raccoon Creek - All waters within this waterbody are designated as Coastal. | (i) | Swan Creek - All waters within this waterbody are designated as Coastal. |
| (H) | Trent Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 06.2738' N - 76° 43.1071' W; running southeasterly to a point on the east shore 35° 06.2603' N - 76° 43.0741' W. | (ii) | Lower Broad Creek - All waters within this waterbody are designated as Coastal. |
| (I) | Thomas Creek - Inland Waters east and Coastal Waters west of a line beginning at a point on the north shore 35° 07.2024 ' N - 76° 43.0929' W; running southerly to a point on the south shore 35° 07.1610' N - 76° 43.0947' W. | (A) | Greens Creek - All waters within this waterbody are designated as Coastal. |
| (iv) | Masons Creek - All waters within this waterbody are designated as Coastal. | (B) | Pittman Creek - All waters within this waterbody are designated as Coastal. |
| (v) | Moore Creek - All waters within this waterbody are designated as Coastal. | (C) | Burton Creek - All waters within this waterbody are designated as Coastal. |
| (vi) | Rices Creek - All waters within this waterbody are designated as Coastal. | (D) | Brown Creek - All waters within this waterbody are designated as Coastal. |
| (vii) | Ball Creek - All waters within this waterbody are designated as Coastal. | (I) | Spice Creek - All waters within this waterbody are designated as Coastal. |
| (viii) | Cabin Creek - All waters within this waterbody are designated as Coastal. | (E) | Gideon Creek - All waters within this waterbody are designated as Coastal. |
| (ix) | Riggs Creek - All waters within this waterbody are designated as Coastal. | (F) | Tar Creek - All waters within this waterbody are designated as Coastal. |
| (x) | Spring Creek - All waters within this waterbody are designated as Coastal. | (G) | Parris Creek - All waters within this waterbody are designated as Coastal. |
| (xi) | Long Creek - All waters within this waterbody are designated as Coastal. | (iii) | Orchard Creek - All waters within this waterbody are designated as Coastal. |
| | | (iv) | Pierce Creek - All waters within this waterbody are designated as Coastal. |

- (v) Whitaker Creek - All waters within this waterbody are designated as Coastal.
 - (vi) Smith Creek - Joint Waters northwest and Coastal Waters southeast of a line beginning at a point on the north shore at the Oriental Bridge 35° 01.5149' N - 76° 41.9549' W; running southwesterly to a point on the south shore 35° 01.3391' N - 76° 42.1774' W.
 - (vii) Greens Creek - All waters within this waterbody are designated as Joint.
 - (A) Kershaw Creek - All waters within this waterbody are designated as Joint.
 - (viii) Dawson Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 00.3371' N - 76° 45.6513' W; running southerly to a point on the south shore 35° 00.1492' N - 76° 45.6202' W.
 - (A) Tarkiln Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.4124' N - 76° 45.5392' W; running easterly to a point on the east shore 35° 00.4289' N - 76° 45.4472' W.
 - (ix) Gatlin Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.4165' N - 76° 47.4645' W; running easterly to a point on the east shore 34° 58.4154' N - 76° 47.4371' W.
 - (x) Little Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 58.5175' N - 76° 49.5822' W; running southeasterly to a point on the east shore 34° 58.5086' N - 76° 49.5680' W.
 - (xi) Mill Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 34° 59.6024' N - 76° 51.1276' W; running easterly to a point on the east shore 34° 59.5955' N - 76° 51.0864' W.
 - (xii) Beard Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 00.3293' N - 76° 52.1855' W; running easterly to a point on the east shore 35° 00.3055' N - 76° 51.9012' W.
 - (xiii) Lower Duck Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 01.5781' N - 76° 54.1580' W; running easterly to a point on the east shore 35° 01.5566' N - 76° 54.0248' W.
 - (xiv) Goose Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 03.4414' N - 76° 55.1170' W; running easterly to a point on the east shore 35° 03.3567' N - 76° 54.9728' W.
 - (xv) Upper Broad Creek - Inland Waters north and Coastal Waters south of a line beginning at a point on the west shore 35° 04.5050' N - 76° 56.5269' W; running easterly to a point on the east shore 35° 04.4705' N - 76° 56.2115' W.
- (22) Pasquotank County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the

- north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
- (A) Symonds Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 10.2898' N - 76° 14.1801' W; running southeasterly to a point on the south shore 36° 10.2042' N - 76° 14.0368' W.
- (iii) Big Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 09.3267' N - 76° 08.2562' W; running southerly to a point on the south shore 36° 08.9730' N - 76° 08.3175' W. Joint waters north and Coastal Waters south of a line beginning at a point on the west shore 36° 07.9621' N - 76° 07.1818' W; running easterly to a point on the east shore 36° 08.2706' N - 76° 06.2525' W.
- (iv) Pasquotank River - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 18.0768' N - 76° 13.0979' W; running easterly along the south side of the Highway 158 Bridge to a point on the east shore 36° 18.0594' N - 76° 12.9620' W. Joint Waters west and Coastal Waters east of a line beginning on the north shore 36° 11.4282' N - 76° 01.2876' W; running southwesterly to a point on the south shore 36° 08.7563' N - 76° 03.6991' W.
- (A) Little Flatty Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 11.5209' N - 76° 04.6517' W; running southerly to a point on the south shore 36° 10.9973' N - 76° 04.5149' W.
- (B) New Begun Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 13.3298' N - 76° 08.2878' W; running southerly to a point on the south shore 36° 13.0286' N - 76° 08.1820' W.
- (I) Paling Creek - All waters within this waterbody are designated as Inland.
- (II) James Creek - All waters within this waterbody are designated as Inland.
- (C) Charles Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 36° 17.8090' N - 76° 13.0732' W; running easterly to a point on the east shore 36° 17.8024' N - 76° 13.0407' W.
- (23) Pender County:
- (a) Cape Fear River - All waters within this waterbody are designated as Joint.
- (i) Lyon Thoroughfare (Lyon Thorofare):
- (A) Easternmost entrance: Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 34° 22.0493' N - 78° 04.4435' W; running northeasterly to a point on the east shore 34° 22.0783'

- | | | | |
|-------|---|-----|--|
| | N - 78° 04.4123' W;
and | (C) | Turkey Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
34° 22.8465' N - 77°
57.4827' W;
running southerly to
a point on the south
shore 34° 22.7895'
N - 77° 57.4452' W. |
| (B) | Westernmost
entrance: Inland
Waters east and
Joint Waters west of
a line beginning at a
point on the north
shore 34° 21.9197'
N - 78° 07.0527' W;
running
southeasterly to a
point on the south
shore 34° 21.8618'
N - 78° 06.9992' W. | (D) | Old Creek - Inland
Waters north and
Joint Waters south
of a line beginning
at a point on the
west shore 34°
22.5249' N - 77°
52.1493' W;
running
northeasterly to a
point on the east
shore 34° 22.5327'
N - 77° 52.1278' W. |
| (ii) | Black River - Inland Waters
northeast and Joint Waters
southwest of a line beginning
at a point on the north shore
34° 22.0783' N - 78° 04.4123'
W; running southeasterly to a
point on the south shore 34°
21.9950' N - 78° 04.2864' W. | (E) | Honey Creek -
Inland Waters north
and Joint Waters
south of a line
beginning at a point
on the west shore
34° 22.8627' N - 77°
51.0887' W;
running easterly to a
point on the east
shore 34° 22.8609'
N - 77° 51.0507' W. |
| (iii) | Northeast Cape Fear River -
Inland Waters north and Joint
Waters south of a line
beginning at a point on the
west side 34° 26.5658' N -
77° 50.0871' W; running
northeasterly along the
southern side of NC 210
bridge to a point on the east
side 34° 26.6065' N - 77°
49.9955' W. | (F) | Harrisons Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the north shore
34° 24.1859' N - 77°
48.6570' W;
running
southwesterly to a
point on the south
shore 34° 24.1387'
N - 77° 48.6982' W. |
| (A) | Cowpen Creek -
Inland Waters west
and Joint Waters
east of a line
beginning at a point
on the north shore
34° 22.1417' N - 77°
59.3357' W;
running southerly to
a point on the south
shore 34° 22.1298'
N - 77° 59.3426' W. | (G) | Island Creek -
Inland Waters east
and Joint Waters
west of a line
beginning at a point
on the south shore
34° 23.2509' N - 77°
47.3377' W;
running |
| (B) | Long Creek - Inland
Waters west and
Joint Waters east of
a line beginning at a
point on the west
shore 34° 22.7149'
N - 77° 58.2797' W;
running
northeasterly to a
point on the east
shore 34° 22.7428'
N - 77° 58.2348' W. | | |

- northeasterly to a point on the north shore 34° 23.3322' N - 77° 49.3208' W.
- (b) Topsail Sound And Tributaries - All waters within these waterbodies are designated as Coastal.
- (c) Beasleys (Barlow) Creek - All waters within this waterbody are designated as Coastal.
- (24) Perquimans County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Yeopim River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 05.4526' N - 76° 27.7651' W; running southerly to a point on the south shore at Norcum Point 36° 05.1029' N - 76° 27.7120' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 04.7426' N - 76° 24.2536' W; running southwesterly to a point on the south shore 36° 04.1136' N - 76° 24.5365' W.
- (A) Yeopim Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore of 36° 04.7206' N - 76° 24.8396' W; running easterly to a point on the east shore 36° 04.7426' N - 76° 24.2536' W.
- (iii) Perquimans River - Joint Waters west and Coastal Waters east of a line beginning at a point on the west shore 36° 05.9669' N - 76° 18.1791' W; running northeasterly to a point on the east shore 36° 06.7655' N - 76° 16.5953' W. Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the west shore 36° 11.6569' N - 76° 28.0055' W; running southeasterly to a point on the east shore 36° 11.6123' N - 76° 27.9382' W.
- (A) Walter's Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.1305' N - 76° 27.9185' W; running southeasterly to a point on the south shore 36° 11.0224' N - 76° 27.6626' W.
- (B) Mill Pond Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 11.9757' N - 76° 27.5752' W; running easterly to a point on the east shore 36° 11.9766' N - 76° 27.2511' W.
- (C) Suttons Creek - Inland Waters north and Joint Waters south of a line beginning at a point on the west shore 36° 10.0394' N - 76° 23.7945' W; running southeasterly to a point on the east shore 36° 09.9325' N - 76° 23.5263' W.
- (D) Jackson (Cove) Creek - Inland Waters northeast and Joint Waters southwest of a line beginning at a point on the north shore 36° 08.4642' N - 76° 20.3324' W; running southeasterly to a point on the east shore 36° 08.4159' N - 76° 20.2890' W.
- (E) Muddy Creek - Inland Waters northwest and Joint

- Waters southwest of a line beginning at a point on the north shore 36° 07.0381' N - 76° 17.1350' W; running southeasterly to a point on the east shore 36° 07.0218' N - 76° 17.1226' W.
- (iv) Little River - Inland Waters northwest and Joint Waters southeast of a line beginning at a point on the west shore 36° 12.2950' N - 76° 17.1405' W; running northeasterly to a point on the east shore 36° 12.5237' N - 76° 16.9418' W. Joint Waters west and Coastal Waters east of a line beginning at a point on the north shore 36° 07.5322' N - 76° 10.6901' W; running southwesterly to a point on the south shore 36° 06.4199' N - 76° 11.6047' W.
- (A) Deep Creek - Inland Waters southwest and Joint Waters northeast of a line beginning at a point on the north shore 36° 11.0945' N - 76° 16.6717' W; running southeasterly to a point on the south shore 36° 10.7510' N - 76° 16.2258' W.
- (B) Davis Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 36° 12.2950' N - 76° 17.1405' W; running southerly to a point on the south shore 36° 12.2222' N - 76° 17.1153' W.
- (25) Tyrrell County:
- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
- (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
- (ii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (iii) Scuppernong River - Coastal Waters northwest and Joint Waters southeast of a line beginning at a point on the northeast shore 35° 56.7196' N - 76° 18.8964' W; running southwesterly to a point on the southwest shore at 35° 56.3351' N - 76° 19.6609' W. Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0158' N - 76° 15.4605' W; running easterly to a point on the east shore 35° 54.0406' N - 76° 15.3007' W.
- (A) First Creek (Rider's Creek) - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 54.0495' N - 76° 15.2842' W; running northeasterly to a point on the east shore 35° 54.0641' N - 76° 15.2554' W.
- (B) Furlough Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 55.6391' N - 76° 18.9797' W; running southwesterly to a point on the south shore 35° 55.6322' N - 76° 18.9907' W.
- (iv) Alligator River - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore at Cherry Ridge Landing 35° 42.2172' N - 76° 08.4686' W;

running southerly to a point on the south shore 35° 42.1327' N - 76° 08.5002' W. Coastal Waters north and Joint Waters south of a line running along the north side of the Highway 64 Bridge beginning at a point on the west shore 35° 54.2903' N - 76° 01.6818' W; running easterly to a point on the east shore 35° 53.6835' N - 75° 58.8578' W.

- (A) Little Alligator River - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.7640' N - 76° 01.0299' W; running southerly to a point on the south shore 35° 55.9362' N - 76° 01.2492' W.
- (B) Second Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 51.7616' N - 76° 03.5105' W; running southerly to a point on the south shore 35° 51.1317' N - 76° 03.8003' W.
- (C) Goose Creek - Inland Waters west and Joint Waters east of a line beginning at a point on the north shore 35° 50.2658' N - 76° 03.9115' W; running southerly to a point on the south shore 35° 50.2123' N - 76° 03.9120' W.
- (D) The Frying Pan - All waters within this waterbody are designated as Joint.
- (E) Gum Neck Landing Ditch - Inland Waters northeast and Joint Waters southwest of a line

beginning at a point on the west shore 35° 41.6054' N - 76° 06.8215' W; running southeasterly to a point on the east shore 35° 41.5841' N - 76° 06.7991' W.

(26) Washington County:

- (a) Albemarle Sound - All waters within this waterbody are designated as Coastal.
 - (i) All Manmade Tributaries - All manmade tributaries within this waterbody are designated as Joint.
 - (ii) Mackeys (Kendrick) Creek - Inland Waters southeast and Coastal Waters northwest of a line beginning at a point on the north shore 35° 56.3806' N - 76° 36.4356' W; running southwesterly to a point on the south shore 35° 56.3122' N - 76° 36.4613' W.
 - (iii) Pleasant Grove Creek (Cherry Swamp) - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4791' N - 76° 34.1624' W; running easterly to a point on the east shore 35° 56.5042' N - 76° 34.0319' W.
 - (iv) Chapel Swamp Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.4150' N - 76° 33.3494' W; running easterly to a point on the east shore 35° 56.4122' N - 76° 33.3091' W.
 - (v) Bull Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.9954' N - 76° 23.0291' W; running southerly to a point on the south shore 35° 56.9602' N - 76° 23.0282' W.
 - (vi) Deep Creek - Inland Waters west and Coastal Waters east of a line beginning at a point on the north shore 35° 56.1291' N - 76° 23.1179' W; running southerly to a point

- on the south shore 35° 56.0744' N - 76° 23.1230' W.
 - (vii) Banton (Maybell) Creek - Inland Waters south and Coastal Waters north of a line beginning at a point on the west shore 35° 56.0552' N - 76° 22.0664' W; running northeasterly to a point on the east shore 35° 56.1151' N - 76° 21.8760' W.
- (b) Roanoke River - Joint Waters south and Coastal Waters north of a line beginning at a point on the west shore of the Roanoke River 35° 56.5068' N - 76° 41.8858' W; running easterly to a point on the east shore 35° 56.5324' N - 76° 41.5896' W.
 - (i) Conaby Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the west shore 35° 55.3779' N - 76° 42.4401' W; running easterly to a point on the east shore 35° 55.3752' N - 76° 42.3408' W.
 - (ii) Welch Creek - Inland Waters south and Joint Waters north of a line beginning at a point on the western shore 35° 51.8458' N - 76° 45.8381' W; running easterly along the shoreline and across the mouths of the three creek entrances to a point on the east shore 35° 51.8840' N - 76° 45.6207' W.
- (c) Scuppernong River - All waters within this waterbody are designated as Inland.

- on the western shore of the entrance to Goose Creek; running northeasterly to a point 35° 23.3166' N - 76° 34.4833' W at Wades Point.
- (3) Neuse River - all waters upstream of a line from a point 34° 56.3658' N - 76° 48.7110' W at Cherry Point; running northerly to a point 34° 57.9116' N - 76° 48.2240' W at Wilkinson Point.
- (4) Shallotte River - all waters upstream of a line beginning at a point 33° 54.8285' N - 78° 22.3657' W on the west side of Shallotte River; running southeasterly to a point 33° 54.6276' N - 78° 21.7882' W on the east side of the river.
- (5) Eastern Channel - all waters of Eastern Channel east and north of a line beginning at a point 33° 52.6734' N - 78° 28.7339' W at Jinks Creek; running southerly to a point 33° 52.5942' N - 78° 28.6759' W at Tubbs Inlet; and south and west of a line beginning at a point 33° 53.6266' N - 78° 26.6262' W; running easterly to a point 33° 53.6501' N - 78° 26.5635' W.
- (6) Sunset Beach - all waters of the Intracoastal Waterway west of a line beginning at a point 33° 52.9247' N - 78° 30.7041' W on the north end of the Highway 1172 Bridge; running southerly to a point 33° 52.8417' N - 78° 30.6490' W at the south end of the bridge.
- (7) Calabash River - all waters west of a line beginning at a point 33° 53.4368' N - 78° 32.9720' W on the north end of the Highway 1164 Bridge; running southerly to a point 33° 53.3534' N - 78° 32.9720' W at the south end of the bridge.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. July 1, 2006;
Amended Eff. May 1, 2015.

15A NCAC 03R .0115 ANADROMOUS FISH SPAWNING AREAS

The anadromous fish spawning areas as defined in 15A NCAC 03I .0101 and referenced in 15A NCAC 03N .0106 are delineated in the following Internal Coastal Waters:

- (1) Currituck Sound Area:
 - (a) Northwest River - all waters of the Northwest River and its tributaries east of a line beginning on the north shore at a point 36° 30.8374' N - 76° 04.8770' W; running southerly to the south shore to a point 36° 30.7061' N - 76° 04.8916' W.
 - (b) Tull Bay/Tull Creek - all waters of Tull Bay and its tributaries northeast of a line beginning on the north shore at a point 36° 30.0991' N - 76° 04.8587' W; running southeasterly to the south shore to a point 36° 29.9599' N - 76° 04.7126' W; and south of a line

History Note: Authority G.S. 113-132; 113-134; 143B-289.52;
Eff. February 1, 1991;
Amended Eff. May 1, 2015; June 1, 2013; April 1, 2009; August 1, 2004; July 1, 1993; September 1, 1991.

15A NCAC 03R .0114 SHRIMP TRAWL PROHIBITED AREAS

The shrimp trawl prohibited areas referenced in 15A NCAC 03L .0103(e) are delineated in the following Internal Coastal Waters:

- (1) Pungo River - all waters upstream of a line from a point 35° 23.3166' N - 76° 34.4833' W at Wades Point; running easterly to a point 35° 23.6463' N - 76° 31.0003' W on the north shore of the entrance to Abels Bay.
- (2) Pamlico River - all waters upstream of a line from a point 35° 20.5108' N - 76° 37.7218' W

- beginning on the west shore at a point 36° 30.9867' N - 76° 02.5868' W; running easterly to the east shore to a point 36° 31.0045' N - 76° 02.3780' W; and west of a line beginning on the north shore at a point 36° 30.8291' N - 76° 02.1329' W; running southwesterly to the south shore to a point 36° 30.1512' N - 76° 02.4982' W.
- (2) Albemarle Sound Area:
- (a) Big Flatty Creek - all waters of Big Flatty Creek and its tributaries east of a line beginning on the north shore at a point 36° 09.3267' N - 76° 08.2562' W; running southerly to the south shore to a point 36° 08.9730' N - 76° 08.3175' W; and north of a line beginning on the west shore at a point 36° 07.9621' N - 76° 07.1818' W; running easterly to the east shore to a point 36° 08.2706' N - 76° 06.2525' W.
- (b) Batchelor Bay - west of a line beginning on the north shore at a point 35° 58.2070' N - 76° 42.7267' W; running southeasterly to the south shore to a point 35° 56.5622' N - 76° 41.5506' W.
- (c) Bull Bay - southwest of a line beginning on the northwest shore at a point 35° 58.9002' N - 76° 23.9965' W; running southeasterly to the southeast shore at a point 35° 56.7198' N - 76° 18.8964' W.
- (3) North River - all waters of the North River and its tributaries east of a line beginning on the north shore at a point 36° 18.7703' N - 75° 58.7384' W; running southerly to the south shore to a point 36° 18.4130' N - 75° 58.7228' W; and north of a line beginning on the west shore at a point 36° 16.9952' N - 75° 57.0758' W; running easterly to the east shore to a point 36° 16.9801' N - 75° 56.6820' W.
- (4) Pasquotank River - all waters of the Pasquotank River and its tributaries south of a line beginning on the west shore at a point 36° 18.0768' N - 76° 13.0979' W; running easterly to the east shore along the south side of the Highway 158 Bridge to a point 36° 18.0594' N - 76° 12.9620' W; and northwest of a line beginning on the northeast shore at a point 36° 14.3294' N - 76° 04.7866' W; running southwesterly to the southwest shore to a point 36° 12.8147' N - 76° 07.0465' W.
- (5) Pasquotank River Area:
- (a) Charles Creek - north of a line beginning on the west shore at a point 36° 17.8090' N - 76° 13.0732' W; running easterly to the east shore to a point 36° 17.8024' N - 76° 13.0407' W.
- (b) New Begun Creek - east of a line beginning on the north shore at a point 36° 13.3298' N - 76° 08.2878' W; running southerly to the south shore to a point 36° 13.0286' N - 76° 08.1820' W.
- (6) Little River - all waters of the Little River and its tributaries southeast of a line beginning on the west shore at a point 36° 12.5237' N - 76° 16.9418' W; running southeasterly to the east shore to a point 36° 12.2950' N - 76° 17.1405' W; and north of a line beginning on the west shore at a point 36° 09.6537' N - 76° 15.0689' W; running northeast to the east shore to a point 36° 10.2112' N - 76° 14.0287' W.
- (7) Perquimans River - all waters of the Perquimans River and its tributaries northeast of a line beginning on the west shore at a point 36° 11.6569' N - 76° 28.0055' W; running southeasterly to the east shore to a point 36° 11.6123' N - 76° 27.9382' W; and northwest of a line beginning on the southwest shore at a point 36° 11.1512' N - 76° 27.4424' W; running northeasterly to the northeast shore to a point 36° 11.5124' N - 76° 26.7298' W.
- (8) Perquimans River Area:
- (a) Walter's Creek - northeast of a line beginning on the north shore at a point 36° 11.1305' N - 76° 27.9185' W; running southeasterly to the south shore to a point 36° 11.0224' N - 76° 27.6626' W.
- (b) Mill Creek - south of a line beginning on the west shore at a point 36° 11.9766' N - 76° 27.2511' W; running easterly to the east shore to a point 36° 11.9757' N - 76° 27.5752' W.
- (9) Yeopim River - all waters of the Yeopim River and its tributaries east of a line beginning on the north shore at a point 36° 05.4526' N - 76° 27.7651' W; running southerly to the south shore to a point on Norcum Point 36° 05.1029' N - 76° 27.7120' W; and west of a line beginning on the north shore at a point 36° 04.7426' N - 76° 24.2537' W; running southwesterly to the south shore to a point 36° 04.1137' N - 76° 24.5366' W.
- (10) Yeopim River Area, Yeopim Creek - south of a line beginning on the west shore at a point 36° 04.7206' N - 76° 24.8396' W; running easterly to the east shore to a point 36° 04.7426' N - 76° 24.2536' W.
- (11) Edenton Bay - all waters of Edenton Bay and its tributaries west of a line beginning on the north shore at a point 36° 03.3757' N - 76° 36.3629' W; running southerly to the south shore to a point 36° 03.3551' N - 76° 36.3574' W; and north of a line beginning on the west shore at a point 36° 02.1767' N - 76° 38.4058' W; running

- easterly to the east shore to a point 36° 02.0299' N - 76° 36.0445' W; and east of a line beginning on the west shore at a point 36° 03.2819' N - 76° 37.0138' W; running northeasterly to the east shore to a point 36° 03.4185' N - 76° 36.6783' W.
- (12) Chowan River - all waters of the Chowan River and tributaries northwest of a line beginning on the west shore at a point 36° 02.3162' N - 76° 42.4896' W; running northeasterly to the east shore to a point 36° 03.1013' N - 76° 40.8732' W; and south of a line beginning on the west shore at a point 36° 32.6293' N - 76° 55.3564' W; and running to the east shore to a point 36° 32.6284' N - 76° 55.1757' W.
- (13) Chowan River Area, Meherrin River - all waters of the Meherrin River and tributaries west of a line beginning on the north shore at a point 36° 25.9937' N - 76° 56.8884' W; running southerly to the south shore to a point 36° 25.7926' N - 76° 56.8966' W; and south of a line beginning on the west shore at a point 36° 32.7867' N - 77° 09.8885' W; running easterly to the east shore to a point 36° 32.7807' N - 77° 09.8565' W.
- (14) Cashie River - all waters of the Cashie River and tributaries east of a line beginning on the north shore at a point 35° 54.7865' N - 76° 49.0521' W; running southerly to the south shore at a point 35° 54.6691' N - 76° 49.0553' W; west of a line beginning on the west shore at a point 35° 56.2934' N - 76° 44.1769' W; running easterly to the north shore to a point on the north shore of an island in the mouth of the river 35° 56.2250' N - 76° 43.9265' W; west of a line beginning on the south shore at a point of an island in the mouth of the river 35° 56.1254' N - 76° 43.9846' W; running southerly to the south shore to a point 35° 56.0650' N - 76° 43.9599' W.
- (15) Middle River - all waters of the Middle River southwest of a line beginning on the west shore at a point 35° 55.4000' N - 76° 43.8259' W; running southeasterly to the east shore to a point 35° 55.3977' N - 76° 43.6797' W.
- (16) Eastmost River - all waters of the Eastmost River and its tributaries south of a line beginning on the west shore at a point 35° 56.5024' N - 76° 42.4877' W; running westerly to the east shore to a point 35° 56.4070' N - 76° 42.7647' W.
- (17) Roanoke River - all waters of the Roanoke River and tributaries south of a line beginning on the west shore at a point 35° 56.5068' N - 76° 41.8858' W; running easterly to the east shore to a point 35° 56.5324' N - 76° 41.5896' W; and southeast of a line beginning on the west shore at a point 36° 12.5264' N - 77° 23.0223' W; running northeasterly to the east shore along the south side of the Highway 258 Bridge to a point 36° 12.5674' N - 77° 22.9724' W.
- (18) Roanoke River Area:
- (a) Warren Neck Creek - all waters of Warren Neck Creek and its tributaries west of a line beginning on the northwest shore at a point 35° 52.1820' N - 76° 47.4855' W; running southerly to the southeast shore to a point 35° 52.1448' N - 76° 47.4237' W.
- (b) Thoroughfare - all waters of the Thoroughfare south of a line beginning on the west shore at a point 35° 54.0510' N - 76° 48.1206' W; running easterly to the east shore to a point 35° 54.0684' N - 76° 48.0613' W; and north of a line beginning on the west shore at a point 35° 53.2842' N - 76° 48.8650' W; running easterly to the east shore to a point 35° 55.2800' N - 76° 48.8077' W.
- (c) Devils Gut - all waters of Devils Gut and its tributaries northwest of a line beginning on the west shore at a point 35° 49.5300' N - 76° 54.2209' W; running easterly to the east shore to a point 35° 49.5486' N - 76° 54.1703' W.
- (d) Conine Creek - all waters of Conine Creek and its tributaries west of a line beginning on the north shore at a point 35° 52.9752' N - 76° 58.0474' W; running southwesterly to the south shore to a point 35° 52.9776' N - 76° 57.9958' W.
- (19) Scuppernong River - all waters of the Scuppernong River and tributaries southeast of a line beginning on the northeast shore at a point 35° 56.7196' N - 76° 18.8964' W; running southwesterly to the southwest shore to a point 35° 56.3351' N - 76° 19.6609' W; and north of a line beginning on the west shore at a point 35° 54.0158' N - 76° 15.4605' W; running easterly to the east shore to a point 35° 54.0406' N - 76° 15.3007' W.
- (20) Alligator River - all waters of the Alligator River and tributaries east of a line beginning on the north shore at Cherry Ridge Landing at a point 35° 42.2172' N - 76° 08.4686' W; running southerly to the south shore to a point 35° 42.1327' N - 76° 08.5002' W; and south of a line beginning on the west shore at a point 35° 57.4252' N - 76° 00.8704' W; running easterly to the east shore to a point 35° 57.5494' N - 75° 56.8268' W.
- (21) Alligator River Area, the Frying Pan - all waters of the Frying Pan and its tributaries west of a line beginning on the north shore at a point 35° 46.0777' N - 76° 03.3439' W; running southerly

- to the south shore to a point 35° 45.6011' N - 76° 03.3692' W.
- (22) Neuse River - all waters of the Neuse River and its tributaries northwest of a line beginning on the west shore at a point 35° 08.8723' N - 77° 04.6700' W; running northeasterly to the east shore to a point 35° 09.1032' N - 77° 04.3355' W; and southeast of a line at Pitch Kettle Creek beginning on the north shore at a point 35° 16.9793' N - 77° 15.5529' W; running south to the south shore to a point 35° 16.9237' N - 77° 15.5461' W.
- (23) Neuse River Area:
- (a) Smith Creek - north of a line beginning on the west shore at a point 35° 02.2439' N - 76° 42.3035' W; running easterly to the east shore to a point 35° 02.2392' N - 76° 42.1910' W.
- (b) Kershaw Creek - north of a line beginning on the west shore at a point 35° 02.4197' N - 76° 43.7886' W; running easterly to the east shore to a point 35° 02.4218' N - 76° 43.7367' W.
- (24) White Oak River - all waters north of a line beginning at a point on the west shore 34° 46.0728' N - 77° 08.9657' W; running easterly to a point on the east shore 34° 46.1431' N - 77° 08.8907' W; running north to the Coastal - Inland Fishing Waters boundary line beginning at a point on the west shore 34° 48.1466' N - 77° 11.4711' W; running northeasterly to a point on the east shore 34° 48.1620' N - 77° 11.4244' W.
- (25) Cape Fear River - all waters north of a line beginning at a point on the west shore 34° 07.7034' N - 77° 57.3431' W; running easterly to a point on the east shore 34° 08.0518' N - 77° 55.7626' W; running north to the Joint - Inland Fishing Waters boundary on the following rivers:
- (a) Cape Fear River - at a line beginning at a point on the west shore 34° 24.2628' N - 78° 17.6390' W; running northeasterly along the Lock and Dam No. 1 to a point on the east shore 34° 24.2958' N - 78° 17.5634' W.
- (b) Black River - at a line beginning at a point on the north shore 34° 22.0783' N - 78° 04.4123' W; running southeasterly to a point on the south shore 34° 21.9950' N - 78° 04.2864' W.
- (c) Northeast Cape Fear River - at a line beginning at a point on the west side 34° 26.5658' N - 77° 50.0871' W; running northeasterly along the southern side of the Highway 210 Bridge to a point on the east side 34° 26.6065' N - 77° 49.9955' W.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;
Eff. December 1, 2007;
Amended Eff. May 1, 2015.

15A NCAC 03R .0202 RIVER HERRING MANAGEMENT AREAS

- (a) The Albemarle Sound River Herring Management Area referenced in 15A NCAC 03J .0209 is defined as the Coastal and Joint Fishing Waters of Albemarle, Currituck, Roanoke, Croatan and Pamlico sounds and all their joint water tributaries north of a line beginning on the west shore at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point; running southeasterly to the east shore to a point 35° 44.1710' N - 75° 31.0520' W on the north point of Eagles Nest Bay.
- (b) The Chowan River River Herring Management Area referenced in 15A NCAC 03J .0209 is defined as the area northwest of a line beginning on the west shore at a point 35° 59.9267' N - 76° 41.0313' W on Black Walnut Point; running northeasterly to the east shore to a point 36° 02.2140' N - 76° 39.3240' W on Reedy Point, to the North Carolina/Virginia state line; including the Meherrin River.

History Note: Authority G.S. 113-134; 113-182; 143B-289.52;
Eff. May 1, 2015.

15A NCAC 07K .0208 SINGLE FAMILY RESIDENCES EXEMPTED

- (a) All single family residences constructed within the Coastal Shoreline Area of Environmental Concern that are more than 40 feet landward of normal high water or normal water level, and involve no land disturbing activity within the 40 feet buffer area are exempted from the CAMA permit requirement as long as this exemption is consistent with all other applicable CAMA permit standards and local land use plans and rules in effect at the time the exemption is granted.
- (b) This exemption allows for the construction of a generally shore perpendicular access to the water, provided that the access shall be no wider than six feet. The access may be constructed out of materials such as wood, composite material, gravel, paver stones, concrete, brick, or similar materials. Any access constructed over wetlands shall be elevated at least three feet above any wetland substrate as measured from the bottom of the decking.
- (c) Within the AEC for estuarine shorelines contiguous to waters classified as Outstanding Resource Waters (ORW), no CAMA permit shall be required if the proposed development is a single-family residence that has a built upon area of 25 percent or less and:
- (1) has no stormwater collection system; and
 - (2) is at least 40 feet from waters classified as ORW.
- (d) Before beginning any work under this exemption, the Department of Environment and Natural Resources representative shall be notified of the proposed activity to allow on-site review.

Notification may be by telephone at (252) 808-2808, in person, or in writing to the North Carolina Division of Coastal Management, 400 Commerce Ave., Morehead City, NC 28557. Notification shall include:

- (1) the name, address, and telephone number of the landowner and the location of the work, including the county, nearest community, and water body; and
- (2) the dimensions of the proposed project, including proposed landscaping and the location of normal high water or normal water level.

(e) In eroding areas, this exemption shall apply only when the local permit officer has determined that the house has been located the maximum feasible distance back on the lot but not less than forty feet.

(f) Construction of the structure authorized by this exemption shall be completed by December 31 of the third year of the issuance date of this exemption.

History Note: Authority G.S. 113A-103(5)c;

Eff. November 1, 1984;

Amended Eff. May 1, 2015; December 1, 2006; December 1, 1991; May 1, 1990; October 1, 1989.

15A NCAC 10B .0105 MIGRATORY GAME BIRDS

(a) Cooperative State Rules:

- (1) The taking of sea ducks (scoter, eider and old squaw) during any federally-announced season for only these species shall be limited to the waters of the Atlantic Ocean, and to those coastal waters south of US 64 that are separated by a distance of at least 800 yards of open water from any shore, island or marsh.
- (2) Tundra swans may be taken during the open season by permit only subject to annual limitations imposed by the U.S. Fish and Wildlife Service. Based upon the annual limitations imposed by the U.S. Fish and Wildlife Service, the Wildlife Resources Commission shall issue nontransferable swan permits to applicants who will be selected at random by computer. Only one swan may be taken under each permit which shall be cancelled at the time of the kill by cutting out the month and day of the kill. Accompanying the permit is a tag which must be affixed to the swan at the time and place of the kill. The tag must be affixed in accordance with instructions provided with the permit. In addition, a preaddressed post-paid card is supplied to each permittee on which to report the number of days hunted and the details of the kill if made. It is unlawful to hunt swans without having the permit and the tag in possession or to possess a swan without the cancelled permit in possession and the tag affixed in accordance with

instructions provided with the permit to the swan. It is unlawful to possess a swan permit or tag while hunting that was assigned to another person or to alter the permit or tag in any way other than cutting out the proper month and day of kill.

(b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of migratory game birds:

- (1) No migratory game bird may be taken:
 - (A) With a rifle;
 - (B) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to limit its total capacity to not more than three shells.
- (2) No migratory game bird may be taken:
 - (A) From or by the use of a sinkbox or any other type of low floating device affording the hunter a means of concealment beneath the surface of the water;
 - (B) With the aid of bait, or on, over, or within 300 yards of any place where any grain, salt or other feed is exposed so as to constitute an attraction to migratory game birds or has been so exposed during any of the 10 consecutive days preceding the taking, except that this Part shall not apply to standing crops, flooded croplands, grain crops shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;
 - (C) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which eliminates the audibility of their calls and totally conceals them from the sight of wild migratory game birds.
- (3) Crippled waterfowl may be taken from a motorboat under power in those areas described, delineated, and designated as special sea duck hunting areas in Subparagraph (a)(1) of this Rule.
- (4) Waterfowl hunting and harassment and other unauthorized activities is prohibited on posted waterfowl management areas established by the Wildlife Resources Commission for Canada Geese and ducks restoration. Information on impoundments can be found at ncwildlife.org.

- (5) In that area of Roanoke Sound adjacent to and immediately Northeast of Roanoke Island as marked by buoys designating the waterfowl rest area, it is unlawful to harass or take any waterfowl.
- (6) The area east of US 17 is designated as an experimental September teal season zone as referenced by the Federal frameworks calling for state rules designating experimental areas.

(c) Reporting Requirements: For tundra swan and Canada goose seasons where a permit is required to hunt by Memorandum of Agreement with the U.S. Fish & Wildlife Service, hunter questionnaires supplied on preaddressed, postage-paid cards shall be returned to the Commission and postmarked no later than April 1 following the end of the applicable season. Failure to return the questionnaire and animal parts, if required, by this date shall make the individual ineligible to receive a permit for the following applicable season. In lieu of returning a hard copy, individuals may fill out a questionnaire on-line through the Wildlife Commission web site at ncwildlife.org when this option is available by April 1 following the end of the applicable season.

History Note: Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; 50 C.F.R. 20.21; 50 C.F.R. 20.105; Eff. February 1, 1976; Amended Eff. July 1, 1995; April 1, 1992; February 1, 1990; September 1, 1989; Temporary Amendment Eff. September 10, 1998; Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; May 1, 2004; July 1, 2000.

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDACTIONS

(a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit shall be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the property; however the manner of taking, disposition of dead wildlife, and reporting requirements as described in this Rule still apply.

No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

- (1) for taking wildlife that is or has been damaging or destroying property provided there is

evidence of property damage. No permit may be issued for the taking of any migratory birds and other federally-protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and may contain limitations as to age, sex, or any other condition within the species so named. The permit shall be issued to a landholder or an authorized representative of a unit of local government for depredations on public property; and the permit shall be used only by individuals named on the permit.

- (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) seeking such a depredation permit must apply to the Executive Director using a form supplied by the Commission requesting the following information:

- (A) the name and location of the city;
- (B) the acreage of the affected property;
- (C) a map of the affected property;
- (D) the signature of an authorized city representative;
- (E) the nature of the overabundance or the threat to public safety; and
- (F) a description of previous actions taken by the city to ameliorate the problem.

(b) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of at least 85 percent on a written examination provided by a representative of the Wildlife Resources Commission, in cooperation with the training course provider, shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game animals; bats; or species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs shall report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records shall be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. These business hours are the posted business hours of the Commission at ncwildlife.org. Wildlife Damage Control Agent status shall be revoked at any time by the Executive Director when

there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws, and safe, humane wildlife handling techniques within the previous 12 months.

(c) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule.

(d) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps shall be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in

a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(e) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs (d)(2) through (5) of this Rule, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine shall be euthanized while

still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner. When the relocation site is public property, written permission must be obtained from an appropriate local, state, or federal official before any animal may be released. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.

(f) **Reporting Requirements.** Any landholder who kills an alligator, deer, Canada goose, bear, or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report such kill as directed on the form provided with the depredation permit. The killing and method of disposition of every alligator and bear, or coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337; Eff. February 1, 1976; Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990; Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org; Temporary Amendment Eff. February 27, 2015; Amended Eff. Pending Legislative Review.

15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS

(a) For purposes of 15A NCAC 10B and 10D, the following definitions apply:

- (1) "Commission-sanctioned field trial" means a field trial that, pursuant to a written request from the sponsoring organization, has been authorized in writing and scheduled for occurrence by an authorized representative of the Wildlife Resources Commission.
- (2) "Active participant" means a person participating in a field trial who handles dogs or uses a firearm.

(b) Each person using wildlife to train or run dogs shall possess a North Carolina hunting license.

(c) A person serving as judge of a commission-sanctioned field trial is exempted from any license requirements. Judges of non-sanctioned field trials using wildlife shall possess a North Carolina hunting license.

(d) Except as exempted in Paragraph (e) of this Rule, the following applies to active participants in field trials:

- (1) North Carolina residents participating in any field trial that uses wildlife shall have a N.C. hunting license;
- (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a N.C. hunting license or a hunting license from his or her state of residence; and
- (3) non-residents participating in other types of field trials that use wildlife shall possess a N.C. hunting license

(e) Persons without a license may participate in commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that are fenced in accordance with G.S. 113-276(k).

(f) Except as allowed by rules pertaining to authorized field trials, it is unlawful to carry axes, saws or climbing irons while training or running dogs during closed season on game animals.

(g) On a commission-sanctioned field trial for retrievers or bird dogs, shotguns containing live ammunition or firearms using only blank ammunition may be used only when the application for and the authorization of the field trial so provide. No wild waterfowl, quail or pheasant shall be used in field trials when shotguns with live ammunition are permitted. All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird propagator. Each specimen of waterfowl so obtained shall be marked by one of the methods provided by 50 C.F.R. 21.13. Each pheasant or quail so obtained shall be banded by the propagator prior to delivery with a leg band that is imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy of the receipt from the propagator showing the date and the number and species of birds purchased. The copy of the receipt shall be available for inspection by any authorized agent of the Wildlife Resources Commission during the time and at the place where the trial is being held.

(h) Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at least 30 days prior to the scheduled event.

(i) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller during the closed season using domestically raised waterfowl and domestically raised game birds. Only nontoxic shot shall be used when training dogs using domestically raised waterfowl. All domestically raised waterfowl shall be individually tagged on one leg with a seamless band stamped with the number of the propagation license for the facility from which the domestically raised waterfowl originated. All other domestically raised game birds shall be individually tagged on one leg with a band indicating the propagation license number for the facility from which the birds originated.

History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13; Eff. February 1, 1976;

Amended Eff. May 1, 2015; January 1, 2013; January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1, 1990.

15A NCAC 10B .0202 BEAR

(a) Open Seasons for hunting bear shall be from the:

- (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties.
- (2) Second Monday in November to January 1 in all of Bladen, Carteret, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, and Sampson counties.
- (3) First Monday in December to the third Saturday thereafter in Brunswick, Columbus, and Robeson counties.
- (4) Second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving in all of Beaufort, Camden, Chowan, Craven, Dare, Edgecombe, Greene, Halifax, Hyde, Jones, Lenoir, Martin, Nash, Northampton, Pasquotank, Pitt, Tyrrell, Washington, Wayne, and Wilson counties.
- (5) Saturday preceding the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving in Bertie, Currituck, Gates, Hertford, and Perquimans counties.
- (6) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Warren, Wake, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
- (2) Bears shall not be taken with the use or aid of:
 - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
 - (B) any extracts of substances identified in Part (A) of this Subparagraph;

- (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
- (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.

- (3) Bears may be taken with the aid of bait from the first open Monday through the following Saturday only in the counties in Subparagraphs (a)(1) through (a)(5) of this Rule. In counties with a season split into two or more segments, this Subparagraph applies only to the first segment.
- (4) Bears shall not be taken while in the act of consuming bait.
- (5) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraph (a)(6) of this Rule.
- (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.

(c) No Open Season. There is no open season in those parts of counties included in the following posted bear sanctuaries:

- Avery, Burke, and Caldwell counties--Daniel Boone bear sanctuary except by permit only
- Beaufort, Bertie, and Washington counties--Bachelor Bay bear sanctuary
- Beaufort and Pamlico counties--Gum Swamp bear sanctuary
- Bladen County--Suggs Mill Pond bear sanctuary
- Brunswick County--Green Swamp bear sanctuary
- Buncombe, Haywood, Henderson, and Transylvania counties--Pisgah bear sanctuary
- Carteret, Craven, and Jones counties--Croatan bear sanctuary
- Clay County--Fires Creek bear sanctuary
- Columbus County--Columbus County bear sanctuary
- Currituck County--North River bear sanctuary
- Dare County--Bombing Range bear sanctuary except by permit only
- Haywood County--Harmon Den bear sanctuary
- Haywood County--Sherwood bear sanctuary
- Hyde County--Gull Rock bear sanctuary
- Hyde County--Pungo River bear sanctuary
- Jackson County--Panthertown-Bonas Defeat bear sanctuary
- Macon County--Standing Indian bear sanctuary
- Macon County--Wayah bear sanctuary
- Madison County--Rich Mountain bear sanctuary

McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only

Mitchell and Yancey counties--Flat Top bear sanctuary

Wilkes County--Thurmond Chatham bear sanctuary

(d) The daily bag limit is one, the possession limit is one, and the season limit is one.

(e) Kill Reports. The carcass of each bear shall be reported as provided by 15A NCAC 10B .0113.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002;

Amendment Eff. August 1, 2002;

Temporary Amendment Eff. September 1, 2003;

Temporary Amendment Expired Eff. December 27, 2003;

Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

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

(a) Open Seasons (All Lawful Weapons) for hunting deer:

(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*, Cumberland, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond**, Robeson, Sampson, Scotland**, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties.

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

**Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.

(B) Saturday before Thanksgiving through January 1 in all of Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, Wilkes*, and Yadkin counties.

*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

(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, 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.

(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) Monday of Thanksgiving week through January 1 in all of Cleveland, Polk, and Rutherford counties, except for South Mountain Game Land.

(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 Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph: (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.

(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 those parts of Currituck County known as the Currituck National Wildlife Refuge and 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; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 16 years of age.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.**
 *Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
 **Refer to 15A NCAC 10D .0103 for either-sex deer seasons on game lands that differ from the days identified in this Subparagraph
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.
- (F) The first six open days and the last seven open days of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Cleveland, Polk, and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston 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; and
 Henderson. That part east of NC 191 and north and west of NC 280.
- (H) The fourth Saturday in September, subject to the following restriction: only persons under the age of 16 years may hunt.
- (b) Open Seasons (Bow and Arrow) for hunting deer:
- (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 third Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
- (B) Saturday on or nearest September 10 to the third 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 except for that portion of Buffalo Cove Game Land in Wilkes County.
- (C) Saturday on or nearest September 10 to the Sunday prior to the opening of the blackpowder firearms and bow and arrow season identified in Part (c)(1)(C) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and bow and arrow season identified in Part (c)(1)(C) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (a)(1) of this Rule and in Cleveland, Polk, and Rutherford counties.

- (D) Saturday on or nearest September 10 to the fourth 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 Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
- (2) Restrictions
 - (A) Dogs may not be used for hunting deer during the bow and arrow season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.
- (c) Open Seasons (Blackpowder Firearms and Bow and Arrow) for hunting deer:
 - (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and bow and arrow during the following seasons:
 - (A) The Saturday on or nearest October 1 to the Friday of the second week thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
 - (B) The third Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties* and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.
*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.
 - (C) Monday on or nearest October 1 to the Saturday of the second week thereafter in Cleveland, Polk, 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 (a)(1) of this Rule.
 - (D) The fourth Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
 - (2) Restrictions
 - (A) Deer of either sex may be taken during blackpowder firearms and bow and arrow season in and east of the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the last day of this season only in all other counties.
 - (B) Dogs shall not be used for hunting deer during the blackpowder firearms and bow and arrow seasons, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
 - (3) As used in this Paragraph, blackpowder firearms means "Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle and that cannot use fixed ammunition."
- (d) Open Season (Urban Season) for hunting deer:
 - (1) Authorization. Subject to the restrictions set out in Subparagraph (3) 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 in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 to the fifth Saturday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.
 - (2) Participation. Cities that intend to participate in the urban season must send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1722. Cities must also submit a map of the city's boundaries within which the urban season shall apply.
 - (3) Restrictions:
 - (A) Dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116

for taking deer shall be used during the urban season.

(e) Bag limits. In and east of Vance, Franklin, Wake, Harnett, Moore, and Richmond counties, the possession limit is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the possession limit is six deer, up to two of which may be deer with visible antlers. The season limit in all counties of the State, is six deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card on lands others than lands enrolled in the Commission's game land program during any open deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this Rule. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;

Eff. February 1, 1976;

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

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10B .0219 COYOTE

(a) This Rule applies to hunting coyotes. In all counties of the State, except those counties specified in Paragraph (b), the following apply:

- (1) There is no closed season for taking coyotes.
- (2) Coyotes may be taken on private lands anytime during the day or night.
- (3) Coyotes may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.

(b) In the counties of Beaufort, Dare, Hyde, Tyrell, and Washington, the following apply:

- (1) Coyote hunting on public lands is prohibited, except that coyotes may be taken on State-owned game lands by the holder of a permit for a specific special hunt opportunity for coyotes authorized by G.S. 113-264(d). Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours of one-half hour before sunrise until one-half hour after sunset. Contests or competition coyote hunts on public lands are prohibited. If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State game lands within the five counties identified in this Paragraph, all special hunts for coyotes on State game lands within those five counties shall be suspended for one calendar year.
- (2) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands from hours of one-half hour before sunrise until one-half hour after sunset only.
- (3) Coyotes may be taken on private lands by permit only, and any take shall be reported within 24 hours to the Commission.
- (4) Coyote hunting permits are in addition to hunting licenses. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 shall acquire the coyote hunting permits to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one calendar year and are subject to annual renewal. These permits are non-transferable. Permit holders shall submit their harvest reports in order to be eligible for permit renewal.

(c) There are no bag limit restrictions on coyotes.

(d) Manner of Take. Hunters may use electronic calls and artificial lights.

History Note: Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2;

Eff. July 1, 1993;

Temporary Amendment Eff. October 1, 2011;

Amended Eff. January 1, 2012;

Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org;

Amended Eff. July 26, 2013;

Temporary Amendment Eff. February 27, 2015;

Amended Eff. Pending Legislative Review.

15A NCAC 10B .0223 FERAL SWINE

(a) This Rule applies to hunting feral swine. There is no closed season for taking feral swine. Feral swine may be taken on private lands anytime during the day or night. Feral swine may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.

(b) There are no bag limit restrictions on feral swine.

(c) Hunters may use artificial lights and electronic calls.

History Note: Authority G.S. 113-129; 113-134; 113-264; 113-291; 113-291.1; 113-291.2;

Temporary Adoption Eff. October 1, 2011;

Eff. February 1, 2012;

Temporary Amendment Eff. August 1, 2012;

Amended Eff. August 1, 2015; March 21, 2013.

15A NCAC 10B .0404 TRAPPERS AND HUNTERS

(a) Every fox taken in an area of open season as provided by G.S. 113-291.4 shall be tagged at the scene of taking.

(b) Every person taking any bobcat or otter in this State, or any foxes under a depredation permit, general statute, rule, or local law that permits taking, shall obtain and affix the appropriate tag to each carcass or pelt before selling or transferring the same to any person or transporting the same for any purpose, except that:

- (1) A person may transport the same from the place of taking to his North Carolina residence and from his North Carolina residence to a fur tag agent or taxidermist's place of business.
- (2) A person may transport the same from the place of taking to the nearest place in this State where the appropriate tag may be obtained.
- (3) The carcass, pelt or mounted specimen is exempt from tagging requirements while in the taxidermist's place of business or after the mount is completed.
- (4) A licensed trapper may take live foxes during any legal trapping season, except foxes taken under G.S. 113-291.4, without tagging them and sell them to a licensed controlled hunting preserve for fox in accordance with G.S. 113-273(g).

No carcass or pelt of any bobcat, otter or fox taken within this State may be removed from the state without an appropriate fur tag having been affixed thereto, except a licensed taxidermist may ship the same to a tannery for processing. Any carcass or pelt remaining in a person's possession after the end of the season, except those in a licensed taxidermist's place of business or his or her taxidermy preservation facility, shall be properly

tagged by him or her within 30 days following the close of such season, provided that no tags shall be shipped from the Commission to a person 23 consecutive days from the close of the season. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.

(c) In any case where the taking of foxes with weapons or traps and the sale thereof is authorized by local legislation, except live foxes taken by licensed trappers who live-trap foxes for sale during any open season, the hunter or trapper taking any such fox shall, in the absence of a specific provision to the contrary, obtain and affix the carcass or pelt with an appropriate tag before selling or transferring the same to any other person, or transporting the same for any purpose than as authorized by Paragraph (a) of this Rule.

History Note: Authority G.S. 113-134; 113-276.1; 113-291.4; S.L. 1985, chs. 108, 179, 180, 664 and 722;

Eff. November 14, 1978;

Amended Eff. August 1, 2015; August 1, 2010; July 10, 2010; May 1, 2008; July 1, 1994; January 1, 1992; December 1, 1985;

October 1, 1980.

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

(a) For purposes of this Rule, the following definitions apply:

- (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
- (2) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
- (3) "Youth anglers" are individuals under 16 years of age.

(b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.
- (2) "Catch and Release/Artificial Flies Only Trout Waters" are Public Mountain Trout Waters where only artificial flies having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (3) "Catch and Release/Artificial Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (4) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June

it is unlawful to possess natural bait, use more than a single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1 anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.

- (5) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (6) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
- (7) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
- (8) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single hook. Waters designated as such include tributaries unless otherwise noted.
- (9) "Undesignated Waters" are all other waters in the state. These waters have no bait or lure restrictions. Trout may not be possessed while fishing these waters from March 1 until 7:00 a.m. on the first Saturday in April.

(c) Seasons, creel and size limits. Seasons, creel and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

- (1) Alleghany
 - (A) Delayed Harvest Trout Waters are as follows:
Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])
 - (B) Hatchery Supported Trout Waters are as follows:
Big Pine Creek
Bledsoe Creek
Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)

Cranberry Creek
(Big) Glade Creek
Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)
Meadow Fork
Pine Swamp Creek
Piney Fork
Prathers Creek

- (C) Wild Trout Waters are as follows:
Big Sandy Creek (portion on Stone Mountain State Park)
Stone Mountain Creek (portion on Stone Mountain State Park)

(2) Ashe County

- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)
- (B) Delayed Harvest Trout Waters are as follows:
Big Horse Creek (S.R. 1324 bridge to North Fork New River)
Helton Creek (Virginia state line to New River)
South Fork New River (upstream end of Todd Island to the SR 1351 bridge)
Trout Lake
- (C) Hatchery Supported Trout Waters are as follows:

Beaver Creek (N.C. 221 to South Fork New River)
Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
Cranberry Creek (Alleghany Co. line to South Fork New River)
Nathans Creek
North Fork New River (Watauga Co. line to Sharp Dam)
Old Fields Creek (N.C. 221 to South Fork New River)
Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
Roan Creek
Three Top Creek (except game land portion)

(3) Avery County

- (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:

- Elk River (portion on Lees-McRae College property, excluding the millpond)
- Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- (B) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Wilson Creek (game land portion)
- (C) Hatchery Supported Trout Waters are as follows:
Boyde Coffey Lake
Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)
Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway boundary line, except where posted against trespassing)
Milltimber Creek
North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)
North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)
Squirrel Creek
Wildcat Lake
- (D) Wild Trout Waters are as follows:
Birchfield Creek
Cow Camp Creek
Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
Gragg Prong
Horse Creek
Kentucky Creek
North Harper Creek
Plumtree Creek
Roaring Creek
Rockhouse Creek
Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
South Harper Creek
Webb Prong
- (4) Buncombe County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Carter Creek (game land portion)
 - (B) Hatchery Supported Trout Waters are as follows:
Bent Creek (headwaters to N.C. Arboretum boundary line)
Cane Creek (headwaters to S.R. 3138 bridge)
Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
- Dillingham Creek (Corner Rock Creek to Ivy Creek)
Ivy Creek (Ivy River) (Dillingham Creek to U.S. 19-23 bridge)
Lake Powhatan
Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing)
Rich Branch (downstream from the confluence with Rocky Branch)
Stony Creek
Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)
- (5) Burke County
 - (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Henry Fork (portion on South Mountains State Park)
 - (B) Delayed Harvest Trout Waters are as follows:
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
 - (C) Hatchery Supported Trout Waters are as follows:
Carroll Creek (game land portion above S.R. 1405)
Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
 - (D) Special Regulation Trout Waters are as follows:
Catawba River (Muddy Creek to City of Morganton water intake dam)
 - (E) Wild Trout Waters are as follows:
All waters located on South Mountains State Park, except those waters identified in parts A and B of this Subparagraph
- (6) Caldwell County
 - (A) Delayed Harvest Trout Waters are as follows:
Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
 - (B) Hatchery Supported Trout Waters are as follows:
Boone Fork Pond
Buffalo Creek (mouth of Joes Creek to McCloud Branch)

- Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)
Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
- (C) Wild Trout Waters are as follows:
Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
Rockhouse Creek
- (7) Cherokee County
(A) Hatchery Supported Trout Waters are as follows:
Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
Hyatt Creek (Big Dam Branch to Valley River)
Junaluska Creek (Ashturn Creek to Valley River)
Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
Valley River (S.R. 1359 to U.S. 19 business bridge in Murphy)
(B) Wild Trout Waters/Natural Bait are as follows:
Bald Creek (game land portion)
Dockery Creek (game land portion)
North Shoal Creek (game land portion)
- (8) Clay County
(A) Delayed Harvest Trout Waters are as follows:
Fires Creek (USFS Rd. 340A to the foot bridge in the USFS Fires Creek Picnic Area)
(B) Hatchery Supported Trout Waters are as follows:
Buck Creek (game land portion downstream of U.S. 64 bridge)
Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
Tusquette Creek (Compass Creek to lower S.R. 1300 bridge)
- (9) Graham County
(A) Delayed Harvest Trout Waters are as follows:
(Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
(B) Hatchery Supported Trout Waters are as follows:
Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- Cheoah Reservoir
Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
Santeelah Creek (Johns Branch to Lake Santeelah)
(Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
Stecoah Creek (upper game land boundary to Lake Fontana)
Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
West Buffalo Creek
Yellow Creek (Lake Santeelah hydropower pipeline to Cheoah River)
- (C) Wild Trout Waters are as follows:
Little Buffalo Creek
South Fork Squally Creek
Squally Creek
- (D) Wild Trout Waters/Natural Bait are as follows:
Deep Creek
Franks Creek
Long Creek (game land portion)
- (10) Haywood County
(A) Delayed Harvest Trout Waters are as follows:
West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)
(B) Hatchery Supported Trout Waters are as follows:
Cold Springs Creek (Fall Branch to Pigeon River)
Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)
Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)
- (C) Wild Trout Waters/Natural Bait are as follows:
Hemphill Creek
Hurricane Creek
- (11) Henderson County
(A) Delayed Harvest Trout Waters are as follows:
North Fork Mills River (game land portion below the Hendersonville watershed dam)
(B) Hatchery Supported Trout Waters are as follows:
(Rocky) Broad River (end of S.R. 1611 to Rutherford Co. line)

- | | | | |
|------|---|------|---|
| | Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge) | | Chattooga River (S.R. 1100 bridge to the South Carolina state line) |
| | Clear Creek (Laurel Fork to S.R. 1582) | | Lower Fowler Creek (game land portion) |
| | Green River (Lake Summit powerhouse to game land boundary) | | Scotsman Creek (game land portion) |
| | (Big) Hungry River | (13) | Macon County |
| (12) | Jackson County | (A) | Delayed Harvest Trout Waters are as follows: |
| (A) | Catch and Release/Artificial Lures Only Trout Waters are as follows: | | Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal) |
| | Flat Creek | (B) | Hatchery Supported Trout Waters are as follows: |
| | Tuckasegee River (upstream from the Clark property) | | Burningtown Creek (Left Prong to Little Tennessee River) |
| (B) | Delayed Harvest Trout Waters are as follows: | | Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River) |
| | Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank]) | | Cliffside Lake |
| (C) | Hatchery Supported Trout Waters are as follows: | | Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672) |
| | Balsam Lake | | Nantahala River — upper (Dicks Creek to Whiteoak Creek) |
| | Bear Creek Lake | | Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line) |
| | Cedar Cliff Lake | | Queens Creek Lake |
| | Cullowhee Creek (Tilley Creek to Tuckasegee River) | (C) | Wild Trout Waters/Natural Bait are as follows: |
| | Dark Ridge Creek (Jones Creek to Scott Creek) | | Chattooga River (S.R. 1100 bridge to South Carolina state line) |
| | Greens Creek (Greens Creek Baptist Church on S.R. 1730 to Savannah Creek) | | Jarrett Creek (game land portion) |
| | Savannah Creek (downstream of S.R. 1300 bridge to Cagle Branch) | | Kimsey Creek |
| | Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing) | | Overflow Creek (game land portion) |
| | Tanasee Creek Lake | | Park Creek |
| | Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge) | | Tellico Creek (game land portion) |
| | Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot) | | Turtle Pond Creek (game land portion) |
| | Wolf Creek Lake | (14) | Madison County |
| (D) | Wild Trout Waters are as follows: | (A) | Delayed Harvest Trout Waters are as follows: |
| | Gage Creek | | Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge) |
| | North Fork Scott Creek | | Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek) |
| | Tanasee Creek | | Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.) |
| | Whitewater River (downstream from Silver Run Creek to South Carolina state line) | (B) | Hatchery Supported Trout Waters are as follows: |
| | Wolf Creek (except Balsam Lake and Wolf Creek Lake) | | Big Laurel Creek (Mars Hill watershed boundary to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch) |
| (E) | Wild Trout Waters/Natural Bait are as follows: | | Big Pine Creek (S.R. 1151 bridge to French Broad River) |
| | Buff Creek | | Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to |

- confluence with Ivy Creek at Forks of Ivy)
 Max Patch Pond
 Meadow Fork Creek (S.R. 1165 to Spring Creek)
 Puncheon Fork (Hampton Creek to Big Laurel Creek)
 Roaring Fork (Fall Branch to Meadow Fork)
 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
 Shut-in Creek
 Spillcorn Creek
 Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)
 West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)
- (C) Wild Trout Waters/Natural Bait are as follows:
 Big Creek (headwaters to the lower game land boundary)
- (15) McDowell County
 (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 Newberry Creek (game land portion)
 (B) Delayed Harvest Trout Waters are as follows:
 Catawba River (portion adjacent to Marion Greenway)
 Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
 Mill Creek (U.S. 70 bridge to I-40 bridge)
 (C) Hatchery Supported Trout Waters are as follows:
 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
 Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
 Little Buck Creek (game land portion)
 Mill Creek (upper railroad bridge to U.S. 70 bridge, except where posted against trespassing)
 North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
- (16) Mitchell County
 (A) Delayed Harvest Trout Waters are as follows:
 Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
 North Toe River (U.S. 19E bridge to N.C. 226 bridge)
 (B) Hatchery Supported Trout Waters are as follows:
 Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
 Cane Creek (S.R. 1219 to N.C. 226 bridge)
 East Fork Grassy Creek
 Grassy Creek (East Fork Grassy Creek to mouth)
 Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)
 North Toe River (Avery Co. line to S.R. 1121 bridge)
 (C) Wild Trout Waters are as follows:
 Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
 Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)
 Wiles Creek (game land boundary to mouth)
- (17) Polk County
 (A) Delayed Harvest Trout Waters are as follows:
 Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
 (B) Hatchery Supported Trout Waters are as follows:
 Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
 North Pacolet River (Joels Creek to N.C. 108 bridge)
- (18) Rutherford County
 (A) Hatchery Supported Trout Waters are as follows:
 (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)
- (19) Stokes County
 (A) Hatchery Supported Trout Waters are as follows:
 Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- (20) Surry County
 (A) Delayed Harvest Trout Waters are as follows:
 Ararat River (N.C. 103 bridge to U.S. 52 bridge)
 Mitchell River (.6 mile upstream of the end of S.R. 1333 to the S.R. 1330 bridge below Karp's Mill Dam)
 (B) Hatchery Supported Trout Waters are as follows:
 Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
 Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point

- 265 yards downstream of N.C. 268 [marked by a sign on each bank])
 Fisher River (Cooper Creek) (Virginia state line to I-77 bridge)
 Little Fisher River (Virginia state line to N.C. 89 bridge)
 Lovills Creek (U.S. 52 Business bridge to Ararat River)
 Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- (21) Swain County
- (A) Hatchery Supported Trout Waters are as follows:
 Alarka Creek (game land boundary to Fontana Reservoir)
 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
 Cheoah Reservoir
 Connelly Creek (Camp Branch to Tuckasegee River)
 Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
 Nantahala River (Macon Co. line to existing Fontana Lake water level)
- (B) Delayed Harvest Waters Trout Waters are as follows:
 Tuckasegee River (U.S. 19 bridge to Slope Street bridge)
- (22) Transylvania County
- (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
 Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- (B) Delayed Harvest Waters Trout Waters are as follows:
 East Fork French Broad River (Gladly Fork to French Broad River)
 Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- (C) Hatchery Supported Trout Waters are as follows:
 Davidson River (Avery Creek to lower USFS boundary)
 French Broad River (confluence of North Fork French Broad River and West Fork) French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
 Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
 West Fork French Broad River (Camp Cove Branch to confluence with North Fork French Broad River)
- (D) Wild Trout Waters are as follows:
- (E) All waters located on Gorges State Park
 Whitewater River (downstream from Silver Run Creek to South Carolina state line)
 Wild Trout Waters/Natural Bait are as follows:
 North Fork French Broad River (game land portion downstream of S.R. 1326)
 Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 Dugger Creek (portions on Blue Ridge Mountain Club)
 Laurel Creek (portions on Blue Ridge mountain Club and Powder Horn Mountain Development)
 Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
- (B) Delayed Harvest Trout Waters are as follows:
 Coffee Lake
 Watauga River (adjacent to intersection of S.R. 1557 and S.R. 1558 to N.C. 105 bridge and S.R. 1114 bridge to N.C. 194 bridge at Valle Crucis)
- (C) Hatchery Supported Trout Waters are as follows:
 Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
 Beech Creek
 Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
 Buckeye Creek Reservoir
 Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1233 bridge at Amantha)
 Dutch Creek (second bridge on S.R. 1134 to mouth)
 Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
 Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
 Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
 Middle Fork New River (Lake Chetola dam to South Fork New River)
 Norris Fork Creek

- South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)
Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
- (D) Wild Trout Waters are as follows:
Dutch Creek (headwaters to second bridge on S.R. 1134)
Howard Creek
Maine Branch (headwaters to North Fork New River)
North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
Watauga River (Avery Co. line to S.R. 1580 bridge)
Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
- (24) Wilkes County
- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Dugger Creek (portions on Blue Ridge Mountain club)
Harris Creek (portion on Stone Mountain State Park)
- (B) Delayed Harvest Trout Waters are as follows:
East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
Elk Creek — lower (portion on Leatherwood Mountains development)
Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
Stone Mountain Creek (from falls at Allegheny Co. line to confluence with East Prong Roaring River and Bullhead Creek)
- (C) Hatchery Supported Trout Waters are as follows:
Bell Branch Pond
Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
Darnell Creek (North Prong Reddies River) (downstream ford on S.R. 1569 to confluence with North Fork Reddies River)
Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)
- Middle Fork Reddies River (Clear Prong) (headwaters to bridge on S.R. 1580)
Middle Prong Roaring River (headwaters to bridge on S.R. 1736)
North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on S.R. 1559)
Pike Creek
Pike Creek Pond
South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)
South Prong Lewis Fork (Fall Creek to S.R. 1155 bridge)
- (D) Wild Trout Waters are as follows:
Big Sandy Creek (portion on Stone Mountain State Park)
Garden Creek (portion on Stone Mountain State Park)
Widow Creek (portion on Stone Mountain State Park)
- (25) Yancey County
- (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
South Toe River (headwaters to Upper Creek)
Upper Creek
- (B) Delayed Harvest Trout Waters are as follows:
Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
- (C) Hatchery Supported Trout Waters are as follows:
Bald Mountain Creek (except where posted against trespassing)
Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
South Toe River (Clear Creek to lower boundary line of Yancey Co. recreation park, except where posted against trespassing)
- (D) Wild Trout Waters are as follows:
Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 187 bridge)
Lickskillet Creek
Middle Creek (game land boundary to mouth)

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

Temporary Amendment Eff. July 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);
Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013;
August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009;
May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10C .0206 TROT LINES, JUG HOOKS AND SET HOOKS

(a) For purposes of this Rule, the following definitions apply:

- (1) "set hook" means a fishing device consisting of a single line having no more than three hooks that is attached at one end only to a stationary object.
- (2) "jug hook" means a fishing device consisting of a single line having no more than three hooks that is attached to a float.
- (3) "trotline" means a fishing device consisting of a horizontal common line having multiple hooks attached.

(b) Except as otherwise prohibited in this Rule, trotlines, jug hooks, and set hooks may be set in the inland waters of North Carolina, provided no live bait is used. Trotlines, jug hooks, and set hooks may not be set in any of the impounded waters on the Sandhills Game Land. Trotlines, jug hooks, and set hooks may not be set in any designated public mountain trout waters except impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing. In Lake Waccamaw, trotlines, jug hooks, or set hooks may be set only from October 1 through April 30.

(c) Each trotline, set hook, and jug hook shall bear legible and indelible identification of the user's name and address or the user's Wildlife Resources Commission customer number. Each trotline shall be conspicuously marked at each end and each set hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is readily discernible by boat operators and swimmers. Trotlines shall be set parallel to the nearest shore in all inland fishing waters unless otherwise prohibited. The number of jug hooks that may be fished is limited to 70 per boat. All trotlines, set hooks, and jug hooks shall be fished at least once daily and all fish removed at that time. Trotlines, set hooks, and jug hooks without bait or not labled as described in this Paragraph may be removed from the water by wildlife enforcement officers. It is unlawful to use metal cans or glass jugs as floats.

History Note: Authority G.S. 113-134; 113-272; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013;
May 1, 2008; June 1, 2005; August 1, 2002.

15A NCAC 10C .0306 CRAPPIE

(a) There is no daily creel limit for Crappie, except for waters identified in Paragraphs (b), (c), and (d) of this Rule. There is no minimum size limit for these fish, except for waters identified in Paragraphs (c) and (d). There is no closed season.

(b) In Buckhorn Reservoir in Wilson and Nash counties the daily creel limit is 20 fish.

(c) In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:

- (1) B. Everett Jordan Reservoir,
- (2) Roanoke River and its tributaries downstream of Roanoke Rapids dam,
- (3) Cashie River and its tributaries,
- (4) Middle River and its tributaries, and
- (5) Eastmost River and its tributaries.

(d) In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:

- (1) Pee Dee River from Blewett Falls Dam to the South Carolina state line;
- (2) Badin Lake;
- (3) Falls Lake (Stanly and Montgomery counties);
- (4) Lake Tillery;
- (5) Blewett Falls Lake;
- (6) Lake Norman;
- (7) Lake Hycow;
- (8) Lake Ramseur;
- (9) Cane Creek Lake;
- (10) Tar River downstream of Tar River Reservoir Dam;
- (11) Neuse River downstream of Falls Lake Dam;
- (12) Haw River downstream of Jordan Lake Dam;
- (13) Deep River downstream of Lockville Dam;
- (14) Cape Fear River;
- (15) Waccamaw River downstream of Lake Waccamaw Dam;
- (16) Lumber River including Drowning Creek;
- (17) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (c) of this Rule; and
- (18) all public waters west of Interstate 77.

For waters in Subparagraphs (10) through (18), the restrictions apply to all tributaries.

History Note: Authority G.S. 113-134; 113-292;
Eff. November 1, 2013;
Amended Eff. August 1, 2015.

15A NCAC 10C .0314 STRIPED BASS

(a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), and (i) of this Rule. The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), and (i) of this Rule. There is no closed season, except for waters identified in Paragraphs (f), (g), (h), (i), and (j) of this Rule.

(b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its

hybrids is two in the aggregate and the minimum size limit is 24 inches from October 1 through May 31. From June 1 through September 30, the daily creel limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

(c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(d) In Lake Norman, Arrowhead Lake (Anson Co.), High Rock Pond (Caswell Co.), Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.

(e) In Lake Matamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the South Carolina state line, the daily creel limit is three fish in the aggregate, and the minimum size limit is 18 inches.

(f) In the inland fishing waters of Neuse, 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 in all other inland fishing waters east of Interstate 95 not specified in Paragraphs (e), (g), (h), and (i) of this Rule, the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate. The minimum size limit is 18 inches but no Striped Bass or hybrids between the lengths of 22 inches and 27 inches shall be possessed. In these waters, the season for taking and possessing Striped Bass is closed from May 1 through September 30.

(g) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam, the season for taking and possessing Striped Bass is closed year-round.

(h) 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 season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate and the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily creel limit. Only one fish larger than 27 inches may be possessed in the daily creel limit.

(i) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernon River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), Striped Bass fishing season, size limits and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

(j) 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.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Eff. November 1, 2013;

Amended Eff. August 1, 2015; August 1, 2014.

15A NCAC 10C .0316 TROUT

(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.

(b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.

(c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.

(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 16 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows: in the Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is seven fish. There is no minimum size limit for these fish, but only one may be greater than 14 inches. There is no closed season.

(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.

(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.

(i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

History Note: Authority G.S. 113-134; 113-292;
Eff. November 1, 2013;
Amended Eff. August 1, 2015.

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, with the following exceptions:

- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is

unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.

- (2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length or possess such herring regardless of origin in:

- (A) Roanoke River downstream of Roanoke Rapids Dam;
- (B) Tar River downstream of Rocky Mount Mill Dam;
- (C) Neuse River downstream of Milburnie Dam;
- (D) Cape Fear River downstream of Buckhorn Dam;
- (E) Pee Dee River downstream of Blewett Falls Dam;
- (F) Lumber River including Drowning Creek;
- (G) all the tributaries to the rivers listed above; and
- (H) all other inland fishing waters east of I-95.

- (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.

- (4) No trotlines or set-hooks shall 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.

- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

(c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:

- (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);
- (2) blue crab; and
- (3) bowfin.

(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. The daily possession limit for freshwater

mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).

(e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, 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. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.

(f) In Lake Norman and Badin Lake, the daily creel limit for blue catfish greater than 32 inches is one fish.

(g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.

History Note: Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976;

Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;

Temporary Amendment Eff. December 1, 1994;

Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2015 August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

(a) It is unlawful to take nongame fish for bait or personal consumption 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;
- (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
- (5) a gig (except in Public Mountain Trout Waters);
- (6) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
- (7) up to two eel pots;
- (8) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
- (9) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter,

- and that are under the immediate control and attendance of the individual operating them;
- (10) a hand-held line with a single bait attached;
- (11) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or
- (12) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

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

(c) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).

(d) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:

- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
- (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken and no such river herring shall be possessed regardless of origin:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of Interstate 95.
- (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.

(e) Any fishes taken for bait purposes are included within the daily possession limit for that species.

(f) It is unlawful to take nongame fish for bait or any other fish bait from designated public mountain trout waters and from the bodies of water specified for the following counties:

- (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

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

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

Eff. February 1, 1976;

Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;

Temporary Amendment Eff. July 1, 2001;

Amended Eff. July 18, 2002;

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006.

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 bow nets in Pee Dee River below Blewett Falls Dam;

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| <p>(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;</p> <p>(5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;</p> <p>(6) Beaufort:</p> <p>(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;</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters;</p> <p>(7) Bertie:</p> <p>(a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(8) Bladen:</p> <p>(a) March 1 to April 30 with bow nets in Black River;</p> <p>(b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;</p> <p>(9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;</p> <p>(10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(11) Burke:</p> <p>(a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;</p> <p>(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;</p> <p>(12) Cabarrus:</p> <p>(a) July 1 to August 31 with seines in all running public waters,</p> <p>(b) July 1 to June 30 with traps and gigs in all public waters;</p> <p>(13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;</p> <p>(14) Camden:</p> | <p>(a) July 1 to June 30 with traps in all inland public waters;</p> <p>(b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(15) Carteret: March 1 to April 30 with bow nets in all inland public waters except South River and the tributaries of the White Oak River;</p> <p>(16) Caswell:</p> <p>(a) July 1 to June 30 with gigs in all public waters;</p> <p>(b) July 1 to August 31 with seines in all running public waters, except Moons Creek;</p> <p>(c) July 1 to June 30 with traps in Hyco Reservoir;</p> <p>(17) Catawba:</p> <p>(a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;</p> <p>(b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;</p> <p>(18) Chatham:</p> <p>(a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);</p> <p>(b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;</p> <p>(c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;</p> <p>(19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(20) Chowan:</p> <p>(a) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(b) July 1 to June 30 with traps in all inland public waters, excluding public lakes, ponds, and other impounded waters;</p> <p>(21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;</p> <p>(22) Cleveland:</p> <p>(a) July 1 to August 31 with seines in all running public waters;</p> <p>(b) July 1 to June 30 with gigs, traps and spear guns in all public waters;</p> <p>(23) Columbus:</p> <p>(a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;</p> <p>(b) March 1 to April 30 with bow nets in Livingston Creek;</p> |
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| (c) | July 1 to March 1 with hand-crank electrofishers (local law) in Waccamaw and Lumber rivers; | (31) | Edgecombe: March 1 to April 30 with bow nets in all public waters; |
| (24) Craven: | | (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; |
| (a) | July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers; | (33) Franklin: | |
| (b) | March 1 to April 30 with 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; | (a) | July 1 to August 31 with seines in Tar River; |
| (25) Currituck: | | (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; |
| (a) | July 1 to June 30 with traps in Tulls Creek and Northwest River; | (34) Gaston: | |
| (b) | March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; | (a) | July 1 to August 31 with seines in all running public waters; |
| (26) Dare: | | (b) | July 1 to June 30 with gigs, traps and spear guns in all public waters; |
| (a) | July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake; | (35) Gates: | March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; |
| (b) | March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters; | (36) Graham: | July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; |
| (27) Davidson: | | (37) Granville: | |
| (a) | July 1 to August 31 with seines in all running public waters; | (a) | July 1 to June 30 with gigs in all public waters, except Kerr Reservoir; |
| (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; | (b) | July 1 to August 31 with seines in the Tar River below US 158 bridge; |
| (28) Davie: | | (c) | July 1 to June 30 with dip and cast nets in Kerr Reservoir; |
| (a) | July 1 to June 30 with traps and gigs in all public waters; | (38) Greene: | March 1 to April 30 with bow nets and reels in Contentnea Creek; |
| (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; | (39) Guilford: | |
| (29) Duplin: | | (a) | July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge; |
| (a) | December 1 to June 5 with seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge; | (b) | July 1 to June 30 with gigs in all public waters; |
| (b) | March 1 to April 30 with bow nets in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge; | (40) Halifax: | March 1 to April 30 with 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; |
| (30) Durham: | | (41) Harnett: | |
| (a) | July 1 to August 31 with seines in Neuse River; | (a) | January 1 to May 31 with gigs in Cape Fear River and tributaries; |
| (b) | July 1 to June 30 with gigs in all public waters; | (b) | March 1 to April 30 with 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) March 1 to April 30 with 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) March 1 to April 30 with 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: March 1 to April 30 with 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) March 1 to April 30 with 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;
 - (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) March 1 to April 30 with 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: March 1 to April 30 with 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;
 - (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) July 1 to August 31 with seines in all running public waters except in Deep River;
 - (b) 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) March 1 to April 30 with bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- (61) New Hanover: March 1 to April 30 with 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) March 1 to April 30 with bow nets in Occoneechee Creek, Old River Landing Gut and Vaughans Creek below Watsons Mill;
- (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) March 1 to April 30 with 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 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: March 1 to April 30 with 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) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (67) Pender:
- (a) December 1 to June 5 with seines in the main run of Northeast Cape Fear River;
- (b) March 1 to April 30 with bow nets in the Northeast Cape Fear River, Long Creek, Moore's Creek approximately one mile upstream to New Moon Fishing Camp, and Black River;
- (c) July 1 to March 1 with hand-crank electrofishers (local law) in Black River;
- (68) Perquimans:
- (a) July 1 to June 30 with traps in all inland waters;
- (b) March 1 to April 30 with 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 Hyco 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) March 1 to April 30 with 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) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
- (b) 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 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 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:
- (a) March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek;
- (b) July 1 to March 1 with hand-crank electrofishers (local law) in Black River downstream of NC 1105 bridge;
- (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 and Alligator Creek;
- (b) March 1 to April 30 with bow nets in all inland public waters, excluding Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, 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;
- (87) Wake:
- (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
- (b) March 1 to April 30 with 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;
- (89) Washington: March 1 to April 30 with bow nets in all inland public waters, excluding Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds and other impoundments.
- (90) Wayne: March 1 to April 30 with 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) March 1 to April 30 with 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.

History Note: Authority G.S. 113-134; 113-276; 113-292; Eff. February 1, 1976; Temporary Amendment Eff. December 29, 1988; Temporary Amendment Eff. December 1, 1993; Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; June 1, 1994; Temporary Amendment Eff. July 1, 2002; July 1, 2001; Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; August 1, 2004.

15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE

- (a) For purposes of this Subchapter, the following definitions apply:
- (1) "Permanent Hunting Blind" means any structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of each day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" are individuals under 16 years of age.
- (b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:
- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting and falconry only. On

- these areas, deer of either sex may be taken on all open days of any applicable deer season.
- (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. Falconry is exempt from this provision.
 - (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 written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone and the person or persons requesting entry can demonstrate a valid need or such person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
 - (5) **Temporary Restricted Zone.** Portions of game lands posted as "Temporary 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 written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public due to topographical features or activities occurring on the area.
 - (6) **Scouting-only Zone.** On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
 - (7) **Restricted Deer Hunting Zone.** On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).

The Commission shall conduct a public input meeting in the area where the game land is located before establishing an archery, a restricted firearms, a restricted zone, or a restricted deer hunting zone. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) **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.

(d) **Use of weapons.** No person shall discharge:

- (1) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;
- (2) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

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, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Buckhorn, Butner-Falls of Neuse, Chatham, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Sutton Lake, and Vance game lands and Pee Dee River Game Land north of U.S. 74, and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;
- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) **Game Lands License: Hunting and Trapping**

- (1) **Requirement.** Except as provided in Subparagraph (4) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, running dogs or training dogs using wildlife shall have in his or her possession a game lands license in addition to the appropriate hunting or trapping license, or a license that conveys the game land use privilege
- (2) For commission-sanctioned field trials, active participants (as defined in 15A NCAC 10B .0114) in a field trial using wildlife shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege, except non-residents may substitute hunting licenses from their state(s) of residence.
- (3) For any other field trial using wildlife occurring on game lands, judges and active participants shall possess a game lands license in addition to the appropriate North Carolina hunting license,

or a license that conveys the game land use privilege

(4) Exceptions:

- (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
- (B) on the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. Any individual or organization sponsoring a field trial on the Sandhills Field Trial area or the Laurinburg Fox Trial facility shall file with the Commission an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) 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 seventy-five dollars (\$75.00) 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 Sandhills Field Trial area or the Laurinburg Fox Trial facility without first having obtained 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 approved use. 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. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on any game land located east 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. A field trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities and the applying organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) 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) in posted "safety zones" located on any game land;
- (3) by the use of 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;
- (4) on the John's River Waterfowl Refuge in Burke County; and
- (5) 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.

(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 driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (j) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (m) of this Rule and is abiding by the rules described in Paragraph (m).

(i) Camping. No person shall camp on any game land except on an area designated by the landowner for camping.

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

(k) Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (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) deafness.

On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles or other passenger vehicles:

- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.

Each program participant may be accompanied by one companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.

(l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given when release of such animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(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. Disabled persons as defined in Paragraph (j) of this Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but must comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act, may use wheelchairs or other mobility devices designed for indoor pedestrian use on any area where foot travel is allowed.

(n) Disabled Access Program. Permits issued under this program shall be based upon 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 any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and 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, or parts thereof, where this Paragraph applies are designated in the game land rules and map book. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted to wildlife food or cover. One companion, who

is identified by a companion 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 display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle where it can easily be seen by Commission staff outside the vehicle. It is unlawful for anyone other than disabled persons as defined in Paragraph (j) of this Rule and 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 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) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills or for other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except that activities that have been approved by the Commission and for which a permit has been issued may be conducted, provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the grounds of the range. This includes any items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of the range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent, impede or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle or other object at any place on the shooting range other than such a place or zone as is designated as an authorized parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a shooting range must obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard must leave the shooting range if directed to by law enforcement officers or Commission employees. No person shall handle any firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation

shall be designated on signs and at least one of such signs will be posted at the entrance to each shooting range. No person, when using any shooting range, shall do any act which is prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use of the area.

(q) Limited-access Roads. During the months of June, July and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and closing times.

History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10;

Eff. February 1, 1976;

Amended Eff. July 1, 1993; April 1, 1992;

Temporary Amendment Eff. October 11, 1993; Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. August 31, 2001;

Amended Eff. August 1, 2002;

Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;

Temporary Amendment Eff. July 1, 2014;

Amended Eff. May 1, 2015; August 1, 2014.

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 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 or 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 does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on such hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. each day; and
- (5) not operate any vessel or vehicle powered by an internal combustion engine.

On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." 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 that 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.

(e) Definitions:

- (1) 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, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) 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, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer 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.
- (3) 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.

(f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas, bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only elsewhere in this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

- (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.
- (C) On the Lick Creek Tract, deer and bear hunting is archery only.
- (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.
- (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.
- (C) Target shooting is prohibited.
- (4) Bachelor Bay Game Land in Bertie, Martin, 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.
- (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.
- (6) Bladen Lakes State Forest Game Land in Bladen County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used.
- (D) On the Singletary Lake Tract the use of dogs for hunting deer and bear is prohibited.
- (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (7) Brinkleyville Game Land in Halifax 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) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
- (A) Hunting is by permit only.
- (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
- (A) Hunting is by permit only.
- (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) 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. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting is allowed on those days.
- (D) Target shooting is prohibited.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers Season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (D) 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.
- (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- (A) Three Days per Week Area

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| <p>(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.</p> <p>(13) Butner - Falls of Neuse Game Land in Durham, Granville and Wake 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 six open days of the applicable Deer With Visible Antlers Season.</p> <p>(C) Waterfowl shall be taken only on:</p> <p style="padding-left: 40px;">(i) the opening and closing days of the applicable waterfowl seasons;</p> <p style="padding-left: 40px;">(ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and</p> <p style="padding-left: 40px;">(iii) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.</p> <p>On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.</p> <p>(D) Horseback riding is prohibited.</p> <p>(E) Target shooting is prohibited.</p> <p>(F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.</p> <p>(G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.</p> <p>(H) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.</p> <p>(I) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.</p> <p>(J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.</p> <p>(14) Buxton Woods Game Land in Dare 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) Target shooting is prohibited.</p> | <p>(15) Cape Fear River Wetlands Game Land in Pender 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) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.</p> <p>(D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.</p> <p>(E) Target shooting is prohibited.</p> <p>(16) Carteret County Game Land in Carteret County</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 six open days of the applicable Deer With Visible Antlers Season.</p> <p>(C) The use of dogs for hunting deer is prohibited.</p> <p>(17) R. Wayne Bailey-Caswell Game Land in Caswell County</p> <p>(A) Three 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 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. People age 16 or older horseback riding on this game land must possess a Game Lands license.</p> <p>(D) The area encompassed by the following roads is permit-only for 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.</p> <p>(E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.</p> <p>(F) Camping and the presence of campers and tents in designated Hunter</p> |
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- Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (G) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.
- (18) 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.
- (19) Chatham Game Land in Chatham 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) Wild turkey hunting is by permit only.
- (D) 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.
- (E) Target shooting is prohibited.
- (20) 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.
- (21) 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.
- (22) Chowan Swamp Game Land in Bertie, Gates and Hertford 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) Bear hunting is restricted to the first three hunting days during the first November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (23) 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.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (24) 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.
- (25) Croatan Game Land in Carteret, Craven and Jones 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) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (26) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
- (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
- (C) Licensed hunting guides may accompany the permitted individual or

- party provided the guides do not use a firearm.
- (D) The boundary of the game land shall extend 5 yards from the edge of the marsh or shoreline.
- (E) Dogs are 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 shall be used to attach a tree stand or blind to a tree.
- (G) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (27) 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 is allowed on posted parts of bombing range.
- (D) The use and training of dogs is prohibited from March 1 through June 30.
- (28) Dover Bay Game Land in Craven 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.
- (29) 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 is prohibited except by special hunt permit holders during scheduled permit hunts.
- (30) Elk Knob Game Land in Watauga 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.
- (31) Embro Game Land in Halifax and Warren 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) Horseback riding is prohibited.
- (32) 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) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- (33) 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.
- (34) 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.
- (35) Gull Rock Game Land in Hyde 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) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:

- (i) the opening and closing days of the applicable waterfowl seasons; and
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (E) 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, except for that portion designated as bear sanctuary.
- (36) Harris Game Land in Chatham, Harnett, 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 shall be taken only on:
 - (i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) The use or construction of permanent hunting blinds shall be prohibited.
 - (E) Wild turkey hunting is by permit only.
 - (F) Target shooting is prohibited.
 - (G) Horseback riding is prohibited.
- (37) Holly Shelter Game Land in Pender County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (F) The use of dogs for hunting deer and bear is prohibited on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road.
- (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
- (I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
- (38) 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.
 - (C) Target shooting is prohibited.
- (39) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- (40) Johns River Game Land in Burke County
 - (A) Hunting is by permit only.
 - (B) During permitted deer hunts, deer of either sex may be taken by permit holders.
 - (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31, except by lawful waterfowl hunting permit holders and only on those days written on the permits.
 - (D) The use or construction of permanent hunting blinds is prohibited.
- (41) Jordan Game Land in Chatham, Durham, Orange, and Wake 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) Waterfowl may be taken only on:
 - (i) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
- (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July, and August, and on Sundays the remainder of the year except during open turkey and deer seasons. People age 16 or older who ride horseback on trails occurring entirely within the game land boundaries must possess a Game Lands license.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (42) Juniper Creek Game Land in Brunswick and Columbus counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
 - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (43) Kerr Scott Game Land in Wilkes County
 - (A) Six Days per Week Area
 - (B) Use of centerfire rifles is prohibited.
 - (C) Use of muzzleloaders, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
 - (D) Tree stands shall not be left overnight; and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
- (E) Deer of either sex may be taken on all open days of the applicable Deer With Visible Antlers season.
- (F) Hunting on posted waterfowl impoundments is by permit only.
- (G) The use of firearms for hunting wild turkey is prohibited.
- (44) 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.
 - (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
 - (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (45) 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.
 - (C) Target shooting is prohibited.
- (46) Light Ground Pocosin Game Land in Pamlico 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.
- (47) 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.
- (48) Lower Fishing Creek Game Land in Edgecombe and Halifax 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) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- (49) 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 shall be taken only on:
 - (i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;

- (ii) Christmas and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
- (50) Target shooting is prohibited.
- Mitchell River Game Land in Surry County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the last six 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.
- (51) 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.
- (52) Needmore Game Land in Macon and Swain counties.
 - (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.
 - (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (53) Neuse River Game Land in Craven 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.
- (54) New Lake Game Land in Hyde and Tyrrell 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.
- (55) Nicholson Creek Game Land in Hoke County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
 - (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) On Lake Upchurch, the following activities are prohibited:
 - (i) Operating any vessel or vehicle powered by an internal combustion engine; and
 - (ii) Swimming.
- (56) Target shooting is prohibited.
- North River Game Land in Camden and Currituck 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) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
 - (D) Hunting on the posted waterfowl impoundment is by permit only.
- (57) 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.
- (58) 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 is prohibited in that portion in Anson and Richmond counties North of US-74.
 - (D) Target shooting is prohibited.
 - (E) Horseback riding is allowed only on roads opened to vehicular traffic and only during the following times:
 - (i) during June, July, and August; and
 - (ii) on Sundays during the other months or parts of months

- when deer and turkey seasons are closed.
- (59) 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.
 - (C) Horseback riding is prohibited from November 1 through January 1.
- (60) 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.
 - (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (61) Pond Mountain Game Land in Ashe County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer with Visible Antlers Season.
 - (C) Horseback riding is prohibited except on designated trails from May 16 through August 31 and Sundays from September 1 through October 31. All horseback riding is prohibited from November 1 through May 15.
 - (D) Deer and bear hunting is by permit only.
- (62) Pungo River Game Land in Hyde 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.
- (63) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
 - (B) Swimming is prohibited on the area.
- (64) Roanoke River Wetlands in Bertie, Halifax, Martin, and Northampton counties
- (A) Hunting is by Permit only.
 - (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
 - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- (65) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (66) Robeson Game Land in Robeson 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.
- (67) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
 - (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
 - (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
 - (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
 - (F) The use of dogs for hunting deer is prohibited.
 - (G) Wild turkey hunting is by permit only.
 - (H) Taking fox squirrels is prohibited.
 - (I) Target shooting is prohibited.
- (68) Rocky Run Game Land in Onslow County: Hunting is by permit only.
- (69) 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.
 - (C) Target shooting is prohibited.
- (70) Sandhills Game Land in Hoke, Moore, Richmond and Scotland counties
- (A) Three Days per Week Area
 - (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
 - (i) deer may be taken with archery equipment on all the open days of the bow-and-arrow season through the fourth Friday before Thanksgiving; with legal muzzleloading firearms and archery equipment all the open days of the muzzleloader season through the second

- Saturday before Thanksgiving; and with all legal weapons from the second Monday before Thanksgiving through the Saturday following Thanksgiving;
 - (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
 - (iii) opossum, raccoon, and squirrel (gray and fox) may be taken all the open days from second Monday before Thanksgiving through the Saturday following Thanksgiving;
 - (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving through the Saturday following Thanksgiving;
 - (v) waterfowl may be taken on open days during any waterfowl season; and
 - (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt.
- (C) The Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving except on the J. Robert Gordon Field Trial Grounds.
- (D) The bow-and-arrow season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through January 1. Deer may be taken with archery equipment on all open hunting days during the bow and arrow season, the Deer with Visible antlers season, and the muzzleloader season as stated in this Subparagraph.
- (E) Muzzleloader season is all the open days from the fourth Saturday preceeding Thanksgiving through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through January 1. Deer may be taken with muzzle-loading firearms on all open hunting days during the muzzleloader season and the Deer With Visible Antlers season.
- (F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.
- (G) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- (H) Wild turkey hunting is by permit only.
- (I) The following areas are permit-only for all quail and woodcock hunting and dog training on birds:
 - (i) In Richmond County: that part east of US 1;
 - (ii) In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north of Scotland Lake Lane.
- (J) Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless riding in authorized field trials.
- (K) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (L) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- (71) Sandy Creek Game Land in Nash and Franklin 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) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- (72) Sandy Mush Game Land in Buncombe and Madison counties.
 - (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) 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.
 - (D) Dogs shall only be trained on Mondays, Wednesdays, and Saturdays and only as allowed in 15A NCAC 10D .0102(e).

- (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
- (73) Second Creek Game Land in Rowan County-hunting is by permit only.
- (74) Shocco Creek Game Land in Franklin, Halifax, Nash and Warren 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) Horseback riding is prohibited.
- (75) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
 - (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
 - (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
 - (D) 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.
 - (E) 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.
- (76) Stones Creek Game Land in Onslow 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) The use of dogs for hunting deer is prohibited on Mondays, Wednesdays, and Fridays.
 - (D) Swimming in all lakes is prohibited.
 - (E) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (77) Suggs Mill Pond Game Land in Bladen and Cumberland counties
 - (A) Hunting and trapping is by Permit only.
 - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (C) Entry is prohibited on scheduled hunt or trapping days except for:
 - (i) hunters or trappers holding special hunt or trapping permits; and
 - (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (78) Sutton Lake Game Land in New Hanover and Brunswick 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) Target shooting is prohibited.
- (79) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (80) Three Top Mountain Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited.
- (81) Thurmond Chatham Game Land in Alleghany and Wilkes 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) 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. People age 16 or older horseback riding on this game land must possess a Game Lands license.
 - (D) The maximum period of consecutive overnight camping at any designated

- campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (82) Tillery game Land in Halifax 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) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
 - (E) Wild turkey hunting is by permit only.
- (83) Toxaway Game Land in Jackson 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.
 - (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.
- (84) Uwharrie Game Land in Davidson, Montgomery, and Randolph counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six open days and the last open six days of the applicable Deer With Visible Antlers Season.
 - (C) On the posted waterfowl impoundment, waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Mondays, Wednesdays and Saturdays of the applicable waterfowl seasons.
- (85) Vance Game Land in Vance County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (86) Van Swamp Game Land in Beaufort and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (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.
- (87) White Oak River Game Land in Onslow County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
 - (E) The Huggins Tract and Morton Tracts have the following restrictions:
 - (i) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit;
 - (ii) hunting is by permit only; and
 - (iii) the use of dogs for hunting deer is prohibited.
 - (F) Wild turkey hunting is by permit only.
- (88) Whitehall Plantation Game Land in Bladen County
- (A) Hunting and trapping is by permit only.
 - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (i) 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 are nontransferable. A hunter

making a kill must validate the kill and report the kill to a wildlife cooperator agent or by phone.

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

- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;
- (3) Bladen County—Suggs Mill Pond Game Lands;
- (4) Burke County—John's River Waterfowl Refuge;
- (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (6) Dare County—Roanoke Sound Marshes Game Lands; and
- (7) Henderson and Transylvania counties—Dupont State Forest Game Lands.

(k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission will be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(l) Feral swine may be taken by licensed hunters during the open season for any game animal using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear and during the applicable deer or bear season.

(m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.

(n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.

(o) As used in this Rule, horseback riding includes all equine species.

(p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. February 1, 1976;

Temporary Amendment Eff. October 3, 1991;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994;

Temporary Amendment Eff. October 1, 1999; July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. May 1, 2015; August 1, 2014; January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1, 2004.

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 game lands 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 the natural gas pipeline crossing.

(2) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except Cherokee Lake, Grogan Creek, 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 100 yards downstream of Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn Lake, North Fork Catawba River downstream

of the mouth of Armstrong Creek, Green River downstream of the natural gas pipeline crossing, and Spring Creek below US Forest Service road 223.

Dupont State Forest Game Lands in Henderson and Transylvania counties.
Three Top Mountain Game Land in Ashe County.

Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties.

Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, and Yancey counties.

Thurmond Chatham Game Land in Wilkes County.

Toxaway Game Land in Transylvania County.

South Mountains Game Land in Cleveland and Rutherford counties.

Cold Mountain Game Land in Haywood County.

Green River Game Land in Henderson and Polk counties.

Pond Mountain Game Land in Ashe County.

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

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

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

Eff. February 1, 1976;

Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. August 1, 2015; August 1, 2014; August 1, 2010; May 1, 2009; August 1, 2004.

15A NCAC 10F .0340 CURRITUCK COUNTY

(a) Regulated Areas. This Rule applies to the waters and portion of waters described as follows:

- (1) Bell's Island. The waters contained in all the canals on Bell's Island.
- (2) Walnut Island Subdivision. The waters in all the canals in the Walnut Island subdivision in the Village of Grandy.

- (3) Waterview Shores Subdivision. The waters in all the canals in the Waterview Shores subdivision in the Village of Grandy. The regulated area begins at the entrances to the subdivision from Dowdy Bay (Poplar Branch Bay) at 36.25148N, 75.87061W; 36.24981N, 75.87042W; and 36.24872N, 75.87055W.

- (4) Neal's Creek Landing. Those waters of Currituck Sound within 50 yards of Neal's Creek Landing as delineated by appropriate markers.

- (5) Tull's Bay.

- (A) Those waters of Tull's Creek within 50 yards upstream and 50 yards downstream of and within the canal leading to Tull's Bay Marina as delineated by appropriate markers.

- (B) Those waters which constitute the canals of the Tull's Bay Colony subdivision and 50 yards north along the Mississippi Canal from its intersection with Elizabeth Canal.

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

(c) Placement and Maintenance of Markers. The Board of Commissioners of Currituck County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. May 1, 1982;

Amended Eff. May 1, 2015; July 1, 1993; January 1, 1991; December 1, 1990; January 1, 1989.

15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN

(a) No Open Season. There is no open season for taking any of the species listed as endangered in Rule .0103, or threatened in Rule .0104 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in the rules of this Chapter. Unless otherwise provided in North Carolina General Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in Rules .0103, .0104, or .0105 of this Section at any time.

(b) Permits. The executive director may issue permits to take or possess an endangered, threatened, or special concern species:

- (1) to an individual or institution with experience and training in handling, and caring for the wildlife and in conducting a scientific study, for the purpose of scientific investigation relevant to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration effort;

- (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the specimen or specimens in his or her possession, possesses the requisite equipment and expertise to care for such specimen or specimens, and abides by the caging requirements for the species set forth in 15A NCAC 10H .0302;
 - (3) to a person who lawfully possessed any such species for more than 90 days immediately prior to the date that such species was listed and who abides by the caging requirements for the species set forth in 15A NCAC 10H .0302, provided however, that no permit shall be issued more than 90 days after the effective date of the initial listing for that species; or
 - (4) to a person with demonstrable depredation from a Special Concern Species, or the American alligator (*Alligator mississippiensis*).
- (c) Taking Without a Permit:
- (1) An individual may take an endangered, threatened, or special concern species in defense of his own life or the lives of others.
 - (2) A state or federal conservation officer or employee who is designated by his agency to do so may, when acting in the course of his official duties, take, possess, and transport endangered, threatened, or special concern species if the action is necessary to:
 - (A) aid a sick, injured, diseased, or orphaned specimen;
 - (B) dispose of a dead specimen;
 - (C) salvage a dead specimen that may be useful for scientific study; or
 - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live-capturing and releasing the specimen unharmed, in a habitat that is suitable for the survival of that species.
- (d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Paragraphs (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations, and the reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).
- (e) Exceptions.
- (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.
- (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.
 - (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 C.F.R. 21.30 when marked as required under those regulations. 50 C.F.R. 21.30 is hereby incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at http://www.ecfr.gov/cgi-bin/text-idx?SID=1bc046c08a9f0f17cb904604d98ab748&node=se50.9.21_130&rgn=div8.
 - (4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c). 50 C.F.R. 17.84(c) is hereby incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=50:2.0.1.1.1.8.1.5>.
 - (5) Importation, possession, sales, transportation, and exportation of species listed as special concern species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research, provided that:
 - (A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;
 - (B) they are possessed in indoor facilities;
 - (C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and
 - (D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.
- (f) A written application to the Commission shall be required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.
- (g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions, provided that:

- (1) sales are permitted to out of state consumers;
- (2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;
- (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and
- (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.

History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;
Eff. June 11, 1977;
Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009;
April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994;
September 1, 1989; March 1, 1981; March 17, 1978.
Temporary Amendment Eff. February 27, 2015;
Amended Eff. Pending Legislative Review.

15A NCAC 10I .0104 THREATENED SPECIES LISTED

(a) The following species of resident wildlife are designated as federally-listed threatened species:

- (1) Amphibians: None Listed At This Time.
- (2) Birds: Piping plover (*Charadrius melodus melodus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
 - (A) Spotfin chub (*Cyprinella monacha*); and
 - (B) Waccamaw silverside (*Menidia extensa*).
- (5) Mammals: None Listed At This Time.
- (6) Mollusks: Noonday globe (*Patera clarki nantahala*).
- (7) Reptiles:
 - (A) Bog turtle (*Glyptemys muhlenbergii*);
 - (B) American alligator (*Alligator mississippiensis*);
 - (C) Green seaturtle (*Chelonia mydas*); and
 - (D) Loggerhead seaturtle (*Caretta caretta*).

(b) The following species of resident wildlife are designated as state-listed threatened species:

- (1) Amphibians:
 - (A) Carolina gopher frog (*Rana capito capito*);
 - (B) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
 - (C) Junaluska salamander (*Eurycea junaluska*); and
 - (D) Wehrle's salamander (*Plethodon wehrlei*).
- (2) Birds:
 - (A) Bald eagle (*Haliaeetus leucocephalus*);

- (B) Gull-billed tern (*Sterna nilotica aranea*); and
- (C) Northern saw-whet owl (*Aegolius acadicus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
 - (A) American brook lamprey (*Lampetra appendix*);
 - (B) Banded sculpin (*Cottus carolinae*);
 - (C) Bigeye jumprock (*Scartomyzon ariommus*);
 - (D) Blackbanded darter (*Percina nigrofasciata*);
 - (E) Carolina madtom (*Noturus furiosus*);
 - (F) Carolina pygmy sunfish (*Elassoma boehlkei*);
 - (G) Carolina redhorse (*Moxostoma sp.*) (Pee Dee River and its tributaries and Cape Fear River and its tributaries);
 - (H) Least brook lamprey (*Lampetra aepyptera*);
 - (I) Logperch (*Percina caprodes*);
 - (J) Rosyface chub (*Hybopsis rubrifrons*);
 - (K) Sharphead darter (*Etheostoma acuticeps*);
 - (L) Sicklefins redhorse (*Moxostoma sp.*) (Hiwassee River and its tributaries and Little Tennessee River and its tributaries);
 - (M) Turquoise darter (*Etheostoma inscriptum*); and
 - (N) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
 - (A) Eastern woodrat (*Neotoma floridana floridana*);
 - (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
 - (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
 - (A) Alewife floater (*Anodonta implicata*);
 - (B) Big-tooth covert (*Fumonelix jonesiana*);
 - (C) Cape Fear threetooth (*Triodopsis soelneri*);
 - (D) Carolina fatmucket (*Lampsilis radiata conspicua*);
 - (E) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
 - (F) Eastern lampmussel (*Lampsilis radiata radiata*);
 - (G) Eastern pondmussel (*Ligumia nasuta*);
 - (H) Engraved covert (*Fumonelix orestes*);
 - (I) Mountain creekshell (*Villosa vanuxemensis*);
 - (J) Roan supercoil (*Paravitrea varidensis*);
 - (K) Roanoke slabshell (*Elliptio roanokensis*);

- (L) Sculpted supercoil (Paravitrea ternaria);
- (M) Seep mudalia (Leptoxis dilatata);
- (N) Smoky Mountain covert (Inflectarius ferrissi);
- (O) Squawfoot (Strophitus undulatus);
- (P) Tidewater mucket (Leptodea ochracea);
- (Q) Triangle floater (Alasmidonta undulata);
- (R) Waccamaw ambersnail (Catinella waccamawensis);
- (S) Waccamaw fatmucket (Lampsilis fullerkati);
- (T) Waccamaw spike (Elliptio waccamawensis).
- (7) Reptiles: None Listed At This Time.

History Note: Authority G.S. 113-134; 113-291.2; 113-292; 113-333;

Eff. March 17, 1978;

Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991;

April 1, 1991; June 1, 1990; September 1, 1989;

Temporary Amendment Eff. February 27, 2015;

Amended Eff. Pending Legislative Review.

15A NCAC 27 .0801 REQUIREMENTS

(a) Every certified well contractor shall obtain two Continuing Education Units (CEU) each year for the first three years of the contractor's certification. CEUs shall be earned during the renewal period. The renewal period is July 1 through June 30.

(b) If subject to disciplinary action, the certified well contractor shall complete continuing education as required by the Commission per G.S. 87-98.12.

(c) Selection of courses and activities that meet the requirements of Rule .0820 of this Chapter is the responsibility of the certified well contractor.

(d) CEUs may be earned as follows:

- (1) completion of college courses or community college courses;
- (2) completion of continuing education courses, including correspondence, televised, videotaped, audiotapes, webinars, and other courses/tutorials that provide a completion certificate;
- (3) teaching or instructing a course described in Subparagraph (1) or (2) of this Paragraph;
- (4) attending or making presentations at professional or technical events, including seminars, in-house courses, workshops, meetings, conventions, or conferences; or
- (5) authoring published papers, articles, or books.

History Note: Authority G.S. 87-98.12; 143B-301.11;

Temporary Adoption Eff. December 15, 1998;

Eff. August 1, 2000;

Amended Eff. July 1, 2015; May 1, 2011.

15A NCAC 27 .0810 APPROVAL OF CONTINUING EDUCATION COURSES

(a) Courses shall be preapproved by a representative(s) of the Commission no less than 30 days prior to the course date.

(b) Course approvals shall expire June 30 of each certification period for which they have been approved.

(c) Representatives of the Commission shall be allowed to attend any approved course for the purpose of auditing without fee or advance notice.

(d) The Commission shall approve courses that instruct on well contractor activities and the use of well contractor equipment, products, and materials. To be approved, courses and activities shall result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of well contractor activities. Additionally, requests for approval of courses or activities shall include the following information:

- (1) course or activity content;
- (2) timed agenda for the course;
- (3) all course or activity dates and locations;
- (4) qualifications of instructors (including both education and experience); and
- (5) a sample of completion certificate or other forms provided by or to be preapproved by the Commission for use in documenting attendance.

(e) CEU credit shall not be awarded for courses involving sales of products to course attendees.

History Note: Authority G.S. 87-98.12; 143B-301.11;

Temporary Adoption Eff. December 15, 1998;

Eff. August 1, 2000;

Amended Eff. July 1, 2015; May 1, 2011.

15A NCAC 27 .0820 DETERMINATION OF CREDIT

(a) Courses or activities shall maintain, improve, or expand the skills and knowledge related to the practice of well contractor activities in order for a well contractor to receive credit. The Commission shall award the stated hours of credit (CEU) for any approved and completed course or activity in each of the following categories:

- (1) credit for college or community college courses shall be 45 CEUs for receipt of a passing grade in the course, regardless of the number of credits awarded by the college or community college;
- (2) credit for continuing education courses, including televised, videotaped, audiotapes, webinars, and other courses/tutorials that provide a completion certificate shall be one CEU for each hour of attendance;
- (3) credit for published papers, articles, and books is 10 CEUs; or
- (4) credit for teaching or presenting in Subparagraphs (1) and (2) of this Rule are double the stated credits. Credit for teaching or presenting is available only for the first time that a well contractor teaches such a course or makes such a presentation.

(b) CEU credit shall not be awarded to an individual certified well contractor for scheduled portions of a program where the individual did not attend, was not awake, or in which the individual certified well contractor did not personally participate.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. July 1, 2015; May 1, 2011.*

15A NCAC 27 .0840 SPECIAL PROVISIONS FOR CONTINUING EDUCATION

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Repealed Eff. July 1, 2015.*

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 – MEDICAL BOARD

21 NCAC 32S .0201 DEFINITIONS

The following definitions apply to this Subchapter:

- (1) "Board" means the North Carolina Medical Board.
- (2) "Examination" means the Physician Assistant National Certifying Examination.
- (3) "Family member" means a spouse, parent, grandparent, child, grandchild, sibling, aunt, uncle or first cousin, or persons to the same degree by marriage.
- (4) "Physician Assistant" means a person licensed by the Board under the provisions of G.S. 90-9.3.
- (5) "Physician Assistant License" means approval for the physician assistant to perform medical acts, tasks, or functions under North Carolina law.
- (6) "Physician Assistant Educational Program" is the educational program set out in G.S. 90-9.3(a)(1).
- (7) "License Renewal" means paying the annual fee and providing the information requested by the Board as outlined in this Subchapter.
- (8) "Supervise" or "Supervision" means the physician's function of overseeing the medical acts performed by a physician assistant.
- (9) "Supervisory Arrangement" is the written statement that describes the medical acts, tasks, and functions delegated to the physician assistant by the primary supervising physician appropriate to the physician assistant's education, qualification, training, skills, and competence.

(10) "Supervising Physician" means the licensed physician who shall provide on-going supervision, consultation, and evaluation of the medical acts performed by the physician assistant as defined in the in the Supervisory Arrangement. The physician may serve as a primary supervising physician or as a back-up supervising physician.

(a) "Primary Supervising Physician" is the physician who is accountable to the Board for the physician assistant's medical activities and professional conduct at all times, whether the physician personally is providing supervision or the supervision is being provided by a Back-up Supervising Physician. The Primary Supervising Physician shall assure the Board that the physician assistant is qualified by education, training, and competence to perform all medical acts required of the physician assistant in the particular field or fields that the physician assistant is expected to perform medical acts. The Primary Supervising Physician shall also be accountable to the Board for his or her physician assistant's compliance with the rules of this Subchapter.

(b) "Back-up Supervising Physician" means the physician who is accountable to the Board for supervision of the physician assistant's activities in the absence of the Primary Supervising Physician and while actively supervising the physician assistant.

(11) "Volunteer practice" means performance of medical acts, tasks, or functions without expectation of any form of payment or compensation.

*History Note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;
Eff. September 1, 2009;
Amended Eff. May 1, 2015.*

21 NCAC 32S .0202 QUALIFICATIONS AND REQUIREMENTS FOR LICENSE

(a) Except as otherwise provided in this Subchapter, an individual shall obtain a license from the Board before practicing as a physician assistant. An applicant for a physician assistant license shall:

- (1) submit a completed application, available at www.ncmedboard.org, to the Board;
- (2) meet the requirements set forth in G.S. 90-9.3 and has not committed any of the acts listed in G.S. 90-14;
- (3) supply a certified copy of applicant's birth certificate if the applicant was born in the

- United States or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about the applicant's immigration and work status that the Board shall use to verify applicant's ability to work lawfully in the United States;
- (4) submit to the Board proof that the applicant completed a Physician Assistant Educational Program. He or she shall also show successful completion of the Physician Assistant National Certifying Examination;
 - (5) pay to the Board a non-refundable fee of two hundred dollars (\$200.00) plus the cost of a criminal background check. There is no fee to apply for a physician assistant limited volunteer license;
 - (6) submit National Practitioner Data Bank (NPDB) and Healthcare Integrity and Protection Data Bank (HIPDB) reports. These reports shall be requested by the applicant and submitted to the Board within 60 days of the request;
 - (7) submit a Board Action Data Bank Inquiry from the Federation of State Medical Boards (FSMB). This report shall be requested by the applicant and submitted to the Board within 60 days of the request;
 - (8) submit to the Board two complete original fingerprint record cards, on fingerprint record cards supplied by the Board upon request;
 - (9) submit to the Board a signed consent form allowing a search of local, state, and national files to disclose any criminal record;
 - (10) disclose whether he or she has ever been suspended from, placed on academic probation, expelled, or required to resign from any school, including a PA educational program;
 - (11) attest that he or she has no license, certificate, or registration as a physician assistant currently under discipline, revocation, suspension, or probation or any other adverse action resulting from a health care licensing board;
 - (12) certify that he or she is mentally and physically able to safely practice as a physician assistant and is of good moral character;
 - (13) provide the Board with three original recommendation forms dated within six months of the application. These recommendations shall come from persons under whom the applicant has worked or trained who are familiar with the applicant's academic competence, clinical skills, and character. At least one reference form shall be from a physician and two reference forms must be from peers under whom the applicant has worked or trained. References shall not be from any family member or in the case of applicants who have not been licensed anywhere,

- references shall not be from fellow students of the applicant's Educational Program;
- (14) if two years or more have passed since graduation from a Physician Assistant Educational Program, document that he or she has completed at least 100 hours of continuing medical education (CME) during the preceding two years, at least 50 hours of which must be recognized by the National Commission on Certification of Physician Assistants as Category I CME; and
 - (15) supply any other information the Board deems necessary to evaluate the applicant's qualifications, including explanation or documentation of the information required in this Rule.
- (b) An applicant may be required to appear in person for an interview with the Board, if the Board determines in its discretion that more information is needed to evaluate the application.
- History Note: Authority G.S. 90-9.3; 90-11; 90-18(c)(13); 90-18.1;*
Eff. September 1, 2009;
Amended Eff. May 1, 2015; March 1, 2011.
- 21 NCAC 32S .0211 AGENCY**
- History Note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;*
Eff. September 1, 2009;
Repealed Eff. May 1, 2015.
- 21 NCAC 32S .0212 PRESCRIPTIVE AUTHORITY**
- A physician assistant may prescribe, order, procure, dispense, and administer drugs and medical devices subject to the following conditions:
- (1) The physician assistant complies with all state and federal laws regarding prescribing, including G.S. 90-18.1(b);
 - (2) Each supervising physician and physician assistant incorporates within his or her written supervisory arrangements, as defined in Rule .0201(9) of this Subchapter, instructions for prescribing, ordering, and administering drugs and medical devices and a policy for periodic review by the physician of these instructions and policy;
 - (3) In order to compound and dispense drugs, the physician assistant complies with G.S. 90-18.1(c);
 - (4) In order to prescribe controlled substances,
 - (a) the physician assistant must have a valid Drug Enforcement Administration (DEA) registration and prescribe in accordance with DEA rules;
 - (b) all prescriptions for substances falling within schedules II, IIN, III, and IIIN, as defined in the federal Controlled Substances Act, 21 U.S.C. 812, which

is hereby incorporated by reference, including all subsequent amendments or editions, shall not exceed a legitimate 30 day supply. 21 U.S.C. 812 may be accessed at <http://www.deadiversion.usdoj.gov/21cfr/21usc/812.htm> free of charge; and

- (c) the supervising physician shall possess at least the same schedule(s) of controlled substances as the physician assistant's DEA registration;
- (5) Each prescription issued by the physician assistant contains, in addition to other information required by law, the following:
 - (a) the physician assistant's name, practice address, and telephone number;
 - (b) the physician assistant's license number and, if applicable, the physician assistant's DEA number for controlled substances prescriptions; and
 - (c) the authorizing supervising physician's, either primary or back-up, name and telephone number;
- (6) The physician assistant documents prescriptions in writing on the patient's record, including the medication name and dosage, amount prescribed, directions for use, and number of refills;
- (7) A physician assistant who requests, receives, and dispenses medication samples to patients complies with all applicable state and federal regulations; and
- (8) A physician assistant shall not prescribe controlled substances, as defined by the state and federal controlled substances acts, for:
 - (a) the physician assistant's own use;
 - (b) the use of the physician assistant's supervising physician;
 - (c) the use of the physician assistant's immediate family;
 - (d) the use of any person living in the same residence as the physician assistant; or
 - (e) the use of any anyone with whom the physician assistant is having a sexual relationship.

As used in this Item, "immediate family" means a spouse, parent, child, sibling, parent-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, step-parent, step-child, or step-sibling.

History Note: Authority G.S. 90-18(c)(13); 90-18.1; 90-18.2A;
 Eff. September 1, 2009;
 Amended Eff. May 1, 2015; August 1, 2012.

21 NCAC 32S .0213 PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS

(a) A physician wishing to serve as a primary supervising physician shall exercise supervision of the physician assistant in accordance with rules adopted by the Board.

(b) A physician assistant may perform medical acts, tasks, or functions only under the supervision of a physician. Supervision shall be continuous but, except as otherwise provided in the rules of this Subchapter, shall not be construed as requiring the physical presence of the supervising physician at the time and place that the services are rendered.

(c) Each team of physician(s) and physician assistant(s) shall ensure:

- (1) the physician assistant's scope of practice is identified;
- (2) delegation of medical tasks is appropriate to the skills of the supervising physician(s) as well as the physician assistant's level of competence;
- (3) the relationship of, and access to, each supervising physician is defined; and
- (4) a process for evaluation of the physician assistant's performance is established.

(d) Each supervising physician and physician assistant shall sign a statement, as defined in Rule .0201(9) of this Subchapter, that describes the supervisory arrangements in all settings. The physician assistant shall maintain written prescribing instructions at each site. This statement shall be kept on file at all practice sites, and shall be available upon request by the Board.

(e) A primary supervising physician and a physician assistant in a new practice arrangement shall meet monthly for the first six months to discuss practice relevant clinical issues and quality improvement measures. Thereafter, the primary supervising physician and the physician assistant shall meet at least once every six months. A written record of these meetings shall be signed and dated by both the supervising physician and the physician assistant, and shall be available upon request by the Board. The written record shall include a description of the relevant clinical issues discussed and the quality improvement measures taken.

History Note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;
 Eff. September 1, 2009;
 Amended Eff. May 1, 2015.

21 NCAC 32S .0214 SUPERVISING PHYSICIAN

History note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;
 Eff. September 1, 2009;
 Repealed Eff. May 1, 2015.

21 NCAC 32S .0215 RESPONSIBILITIES OF PRIMARY SUPERVISING PHYSICIANS IN REGARD TO BACK-UP SUPERVISING PHYSICIANS

(a) The primary supervising physician shall ensure that a supervising physician, either primary or back-up, is accessible for the physician assistant to consult whenever the physician assistant is performing medical acts, tasks, or functions.

(b) A back-up supervising physician shall be licensed to practice medicine by the Board, not prohibited by the Board from supervising a physician assistant, and approved by the primary

supervising physician as a person willing and qualified to oversee the medical acts performed by the physician assistant in the absence of the primary supervising physician. A current list of all approved back-up supervising physicians, signed and dated by each back-up supervising physician, the primary supervising physician, and the physician assistant, shall be retained as part of the Supervisory Arrangement.

History Note: Authority G.S. 90-18(c)(13); 90-18.1; Eff. September 1, 2009; Amended Eff. May 1, 2015.

21 NCAC 32S .0216 CONTINUING MEDICAL EDUCATION

(a) A physician assistant shall complete at least 100 hours of continuing medical education (CME) every two years, at least 50 hours of which must be recognized by the National Commission on Certification of Physician Assistants (NCCPA) as Category I CME. A physician assistant shall provide CME documentation for inspection by the board or its agent upon request. The two year period shall run from the physician assistant's birthday, beginning in the year 1999, or the first birthday following initial licensure, whichever occurs later.

(b) A physician assistant who possesses a current certification with the NCCPA shall be deemed in compliance with the requirement of Paragraph (a) of this Rule. The physician assistant must attest on his or her annual renewal that he or she is currently certified by the NCCPA.

History Note: Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-9.3; 90-18(c)(13); 90-18.1; Eff. September 1, 2009; Amended Eff. May 1, 2015; November 1, 2010.

21 NCAC 32S .0217 VIOLATIONS

It is unprofessional conduct for a physician assistant to violate the rules of this Subchapter, or to represent himself or herself as a physician. The Board may take disciplinary action against a supervising physician or a physician assistant pursuant to G.S. 90-14(a)(6) and (7) for violations of the rules of this Subchapter.

History Note: Authority G.S. 90-9.3; 90-14; 90-14.2; Eff. September 1, 2009; Amended Eff. May 1, 2015.

21 NCAC 32S .0224 SCOPE OF RULES

The rules in this Subchapter are intended for the purpose of fulfilling the Board's statutory directive with regard to the regulation, supervision, and disciplining of physician assistants and their supervising physicians, and for no other purpose.

History Note: Authority G.S. 90-5.1(a)(2); 90-5.1(a)(3); 90-18.1; Eff. May 1, 2015.

21 NCAC 32Y .0101 REPORTING CRITERIA

(a) The Department of Health and Human Services ("Department") may report to the North Carolina Medical Board ("Board") information regarding the prescribing practices of those

physicians and physician assistants ("prescribers") whose prescribing:

- (1) falls within the top one percent of those prescribing 100 milligrams of morphine equivalents ("MME") per patient per day; or
- (2) falls within the top one percent of those prescribing 100 MME's per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.

(b) In addition, the Department may report to the Board information regarding prescribers who have had two or more patient deaths in the preceding twelve months due to opioid poisoning.

(c) The Department may submit these reports to the Board upon request and may include the information described in G.S. 90-113.73(b).

(d) The reports and communications between the Department and the Board shall remain confidential pursuant to G.S. 90-16 and G.S. 90-113.74.

History Note: Authority G.S. 90-113.74; Eff. May 1, 2015.

CHAPTER 58 – REAL ESTATE COMMISSION

21 NCAC 58A .0104 AGENCY AGREEMENTS AND DISCLOSURE

(a) Every agreement for brokerage services in a real estate transaction and every agreement for services connected with the management of a property owners association shall be in writing and signed by the parties thereto. Every agreement for brokerage services between a broker and an owner of the property to be the subject of a transaction shall be in writing and signed by the parties at the time of its formation. Every agreement for brokerage services between a broker and a buyer or tenant shall be express and shall be in writing and signed by the parties thereto not later than the time one of the parties makes an offer to purchase, sell, rent, lease, or exchange real estate to another. However, every agreement between a broker and a buyer or tenant that seeks to bind the buyer or tenant for a period of time or to restrict the buyer's or tenant's right to work with other agents or without an agent shall be in writing and signed by the parties thereto from its formation. A broker shall not continue to represent a buyer or tenant without a written, signed agreement when such agreement is required by this Rule. Every written agreement for brokerage services of any kind in a real estate transaction shall be for a definite period of time, shall include the broker's license number, and shall provide for its termination without prior notice at the expiration of that period, except that an agency agreement between a landlord and broker to procure tenants or receive rents for the landlord's property may allow for automatic renewal so long as the landlord may terminate with notice at the end of any contract period and any subsequent renewals. Every written agreement for brokerage services that includes a penalty for early termination shall set forth such a provision in a clear and conspicuous manner that shall distinguish

it from other provisions of the agreement. For the purposes of this Rule, an agreement between brokers to cooperate or share compensation shall not be considered an agreement for brokerage services and, except as required by Rule .1807 of this Subchapter, need not be memorialized in writing.

(b) Every listing agreement, written buyer agency agreement, or other written agreement for brokerage services in a real estate transaction shall contain the following provision: "The broker shall conduct all brokerage activities in regard to this agreement without respect to the race, color, religion, sex, national origin, handicap, or familial status of any party or prospective party." The provision shall be set forth in a clear and conspicuous manner that shall distinguish it from other provisions of the agreement. For the purposes of this Rule, the term, "familial status" shall be defined as it is in G.S. 41A-3(1b).

(c) In every real estate sales transaction, a broker shall, at first substantial contact with a prospective buyer or seller, provide the prospective buyer or seller with a copy of the publication "Working with Real Estate Agents," set forth the broker's name and license number thereon, review the publication with the buyer or seller, and determine whether the agent will act as the agent of the buyer or seller in the transaction. If the first substantial contact with a prospective buyer or seller occurs by telephone or other electronic means of communication where it is not practical to provide the "Working with Real Estate Agents" publication, the broker shall at the earliest opportunity thereafter, but in no event later than three days from the date of first substantial contact, mail or otherwise transmit a copy of the publication to the prospective buyer or seller and review it with him or her at the earliest practicable opportunity thereafter. For the purposes of this Rule, "first substantial contact" shall include contacts between a broker and a consumer where the consumer or broker begins to act as though an agency relationship exists and the consumer begins to disclose to the broker personal or confidential information. The "Working with Real Estate Agents" publication may be obtained on the Commission's website at www.ncrec.gov or upon request to the Commission.

(d) A real estate broker representing one party in a transaction shall not undertake to represent another party in the transaction without the written authority of each party. The written authority shall be obtained upon the formation of the relationship except when a buyer or tenant is represented by a broker without a written agreement in conformity with the requirements of Paragraph (a) of this Rule. Under such circumstances, the written authority for dual agency shall be reduced to writing not later than the time that one of the parties represented by the broker makes an offer to purchase, sell, rent, lease, or exchange real estate to another party.

(e) In every real estate sales transaction, a broker working directly with a prospective buyer as a seller's agent or subagent shall disclose in writing to the prospective buyer at the first substantial contact with the prospective buyer that the broker represents the interests of the seller. The written disclosure shall include the broker's license number. If the first substantial contact occurs by telephone or by means of other electronic communication where it is not practical to provide written disclosure, the broker shall immediately disclose by similar means whom he or she represents and shall immediately mail or otherwise transmit a copy of the written disclosure to the buyer. In no event shall the broker mail

or transmit a copy of the written disclosure to the buyer later than three days from the date of first substantial contact with the buyer.

(f) In every real estate sales transaction, a broker representing a buyer shall, at the initial contact with the seller or seller's agent, disclose to the seller or seller's agent that the broker represents the buyer's interests. In addition, in every real estate sales transaction other than auctions, the broker shall, no later than the time of delivery of an offer to the seller or seller's agent, provide the seller or seller's agent with a written confirmation disclosing that he or she represents the interests of the buyer. The written confirmation may be made in the buyer's offer to purchase and shall include the broker's license number.

(g) The provisions of Paragraphs (c), (d) and (e) of this Rule do not apply to real estate brokers representing sellers in auction sales transactions.

(h) A broker representing a buyer in an auction sale transaction shall, no later than the time of execution of a written agreement memorializing the buyer's contract to purchase, provide the seller or seller's agent with a written confirmation disclosing that he or she represents the interests of the buyer. The written confirmation may be made in the written agreement.

(i) A firm that represents more than one party in the same real estate transaction is a dual agent and, through the brokers associated with the firm, shall disclose its dual agency to the parties.

(j) When a firm represents both the buyer and seller in the same real estate transaction, the firm may, with the prior express approval of its buyer and seller clients, designate one or more individual brokers associated with the firm to represent only the interests of the seller and one or more other individual brokers associated with the firm to represent only the interests of the buyer in the transaction. The authority for designated agency shall be reduced to writing not later than the time that the parties are required to reduce their dual agency agreement to writing in accordance with Paragraph (d) of this Rule. An individual broker shall not be so designated and shall not undertake to represent only the interests of one party if the broker has actually received confidential information concerning the other party in connection with the transaction. A broker-in-charge shall not act as a designated broker for a party in a real estate sales transaction when a provisional broker under his or her supervision will act as a designated broker for another party with a competing interest.

(k) When a firm acting as a dual agent designates an individual broker to represent the seller, the broker so designated shall represent only the interest of the seller and shall not, without the seller's permission, disclose to the buyer or a broker designated to represent the buyer:

- (1) that the seller may agree to a price, terms, or any conditions of sale other than those established by the seller;
- (2) the seller's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about the seller that the seller has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(l) When a firm acting as a dual agent designates an individual broker to represent the buyer, the broker so designated shall

represent only the interest of the buyer and shall not, without the buyer's permission, disclose to the seller or a broker designated to represent the seller:

- (1) that the buyer may agree to a price, terms, or any conditions of sale other than those established by the seller;
- (2) the buyer's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about the buyer that the buyer has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(m) A broker designated to represent a buyer or seller in accordance with Paragraph (j) of this Rule shall disclose the identity of all of the brokers so designated to both the buyer and the seller. The disclosure shall take place no later than the presentation of the first offer to purchase or sell.

(n) When an individual broker represents both the buyer and seller in the same real estate sales transaction pursuant to a written agreement authorizing dual agency, the parties may provide in the written agreement that the broker shall not disclose the following information about one party to the other without permission from the party about whom the information pertains:

- (1) that a party may agree to a price, terms, or any conditions of sale other than those offered;
- (2) the motivation of a party for engaging in the transaction, unless disclosure is otherwise required by statute or rule; and
- (3) any information about a party that the party has identified as confidential, unless disclosure is otherwise required by statute or rule.

(o) A broker who is selling property in which the broker has an ownership interest shall not undertake to represent a buyer of that property except that a broker who is selling commercial real estate as defined in Rule .1802 of this Subchapter in which the broker has less than 25 percent ownership interest may represent a buyer of that property if the buyer consents to the representation after full written disclosure of the broker's ownership interest. A firm listing a property owned by a broker affiliated with the firm may represent a buyer of that property so long as any individual broker representing the buyer on behalf of the firm does not have an ownership interest in the property and the buyer consents to the representation after full written disclosure of the broker's ownership interest.

(p) A broker or firm with an existing listing agreement for a property shall not enter into a contract to purchase that property unless, prior to entering into the contract, the listing broker or firm first discloses in writing to their seller-client that the listing broker or firm may have a conflict of interest in the transaction and that the seller-client may want to seek independent counsel of an attorney or another licensed broker. Prior to the listing broker entering into a contract to purchase the listed property, the listing broker and firm shall either terminate the listing agreement or transfer the listing to another broker affiliated with the firm. Prior to the listing firm entering into a contract to purchase the listed property, the listing broker and firm shall disclose to the seller-client in writing that the seller-client has the right to terminate the

listing and the listing broker and firm shall terminate the listing upon the request of the seller-client.

History Note: Authority G.S. 41A-3(1b); 41A-4(a); 93A-3(c); 93A-6(a);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2015; July 1, 2014; July 1, 2009; July 1, 2008; April 1, 2006; July 1, 2005; July 1, 2004; April 1, 2004; September 1, 2002; July 1, 2001; October 1, 2000; August 1, 1998; July 1, 1997; August 1, 1996; July 1, 1995.

21 NCAC 58A .0105 ADVERTISING

(a) Authority to Advertise.

- (1) A broker shall not advertise any brokerage service or the sale, purchase, exchange, rent, or lease of real estate for another or others without the consent of his or her broker-in-charge and without including in the advertisement the name of the broker or firm with whom the broker is associated.
- (2) A broker shall not advertise or display a "for sale" or "for rent" sign on any real estate without the written consent of the owner or the owner's authorized agent.

(b) Blind Ads. A broker shall not advertise the sale, purchase, exchange, rent, or lease of real estate for others in a manner indicating the offer to sell, purchase, exchange, rent, or lease is being made by the broker's principal only. Every such advertisement shall conspicuously indicate that it is the advertisement of a broker or brokerage firm and shall not be confined to publication of only a post office box number, telephone number, street address, internet web address, or e-mail address.

(c) A person licensed as a limited nonresident commercial broker shall comply with the provisions of Rule .1809 of this Subchapter in connection with all advertising concerning or relating to his or her status as a North Carolina broker.

History Note: Authority G.S. 93A-2(a1); 93A-3(c); 93A-9;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2015; April 1, 2013; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2004; October 1, 2000; August 1, 1998; April 1, 1997; July 1, 1989; February 1, 1989.

21 NCAC 58A .0116 HANDLING OF TRUST MONEY

(a) Except as provided in Paragraph (b) of this Rule, all monies received by a broker acting in his or her fiduciary capacity (hereinafter "trust money") shall be deposited in a trust or escrow account as defined in Rule .0117(b) of this Section no later than three banking days following the broker's receipt of such monies.

(b) Exceptions to the requirements of Paragraph (a):

- (1) All monies received by a provisional broker shall be delivered upon receipt to the broker with whom he or she is affiliated.
- (2) All monies received by a non-resident commercial broker shall be delivered as required by Rule .1808 of this Subchapter.

- (3) Earnest money or tenant security deposits paid by means other than currency and received by a broker in connection with a pending offer to purchase or lease shall be deposited in a trust or escrow account no later than three days following acceptance of the offer to purchase or lease; the date of acceptance of the offer or lease shall be set forth in the purchase or lease agreement.

- (4) A broker may accept custody of a check or other negotiable instrument made payable to the seller of real property as payment for an option or due diligence fee, or to the designated escrow agent in a sales transaction, but only for the purpose of delivering the instrument to the seller or designated escrow agent. While the instrument is in the custody of the broker, the broker shall, according to the instructions of the buyer, either deliver it to the named payee or return it to the buyer. The broker shall safeguard the instrument and be responsible to the parties on the instrument for its safe delivery as required by this Rule. A broker shall not retain an instrument for more than three business days after the acceptance of the option or other sales contract.

(c) Prior to depositing trust money into a trust or escrow account that bears interest, the broker having custody over the money shall first secure written authorization from all parties having an interest in the money. Such authorization shall specify and set forth in a conspicuous manner how and to whom the interest shall be disbursed.

(d) In the event of a dispute between buyer and seller or landlord and tenant over the return or forfeiture of any deposit other than a residential tenant security deposit held by the broker, the broker shall retain the deposit in a trust or escrow account until the broker has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, the broker may deposit the disputed monies with the appropriate Clerk of Superior Court in accordance with the provisions of G.S. 93A-12. If it appears that one of the parties has abandoned his or her claim to the funds, the broker may disburse the money to the other claimant according to the written agreement. Before doing so, however, the broker must first make a reasonable effort to notify the absent party and provide that party with an opportunity to renew his or her claim to the funds. Tenant security deposits shall be disposed of in accordance with G.S. 42-50 through 56 and G.S. 42A-18.

(e) A broker may transfer an earnest money deposit from his or her trust or escrow account to the closing attorney or other settlement agent no more than 10 days prior to the anticipated settlement date. A broker shall not disburse prior to settlement any earnest money in his or her possession for any other purpose without the written consent of the parties.

(f) A broker shall not disburse trust money to or on behalf of a client in an amount exceeding the balance of trust money belonging to the client and held in the trust account.

(g) Every broker shall safeguard any money or property of others that comes into the broker's possession in a manner consistent

with the Real Estate License Law and Commission rules. A broker shall not convert the money or property of others to his or her own use, apply such money or property to a purpose other than that it was intended for, or permit or assist any other person in the conversion or misapplication of such money or property.

History Note: Authority G.S. 93A-3(c); 93A-6;
Eff. April 1, 2013;
Amended Eff. July 1, 2015.

21 NCAC 58A .0119 MINERAL AND OIL AND GAS RIGHTS MANDATORY DISCLOSURE STATEMENT

(a) Every owner of real property subject to a transfer of the type governed by G.S. 47E-1 and 47E-2(b) shall complete a disclosure statement form prescribed by the Commission and designated "Mineral and Oil and Gas Rights Mandatory Disclosure Statement," and shall furnish a copy of the completed form to a purchaser as required by G.S. 47E-4.1. The form shall bear the seal of the North Carolina Real Estate Commission and shall include the following:

- (1) instructions to property owners regarding transactions when the disclosure statement is required;
- (2) the text and format of the disclosure statement form as required by G.S. 47E-4.1(a);
- (3) a note to purchasers regarding their rights under G.S. 47E-5 in the event they are not provided with a disclosure statement as required by G.S. 47E-4.1;
- (4) the identification of the subject property and the parties to the transaction;
- (5) an acknowledgment by the owner(s) that the disclosure statement is true and correct as of the date signed; and
- (6) an acknowledgment by the buyer(s) of the receipt of a copy of the disclosure statement.

(b) The disclosure statement form described in Paragraph (a) of this Rule shall be available on the Commission's website at www.ncrec.gov or upon request to the Commission.

(c) The disclosure statement form described in Paragraph (a) of this Rule may be reproduced, but the text of the form shall not be altered or amended in any way.

(d) Every broker representing a party in a real estate transaction governed by G.S. 47E-1 and 47E-2(b) shall inform each client of the client's rights and obligations under G.S. Chapter 47E.

(e) The disclosure statement form described in Paragraph (a) of this Rule applies to all contracts executed on or after January 1, 2015.

History Note: Authority G.S. 47E-4.1; 47E-4.1(b); 47E-5; 47E-8; 93A-3(c); 93A-6;
Temporary Adoption Eff. January 1, 2015;
Eff. July 1, 2015.

21 NCAC 58A .0402 EXAMINATION SUBJECT MATTER, FORMAT, AND PASSING SCORES

(a) The real estate licensing examination shall test applicants on the following general subject areas:

- (1) real estate law;

- (2) real estate brokerage law and practices;
- (3) the Real Estate License Law, rules of the Commission, and the Commission's trust account guidelines;
- (4) real estate finance;
- (5) real estate valuation (appraisal);
- (6) real estate mathematics; and
- (7) related subject areas.

(b) The real estate licensing examination shall consist of two sections, a "national" section on general real estate law, principles, and practices and a "state" section on North Carolina real estate law, principles, and practices. Unless the "national" section is waived by the Commission for an applicant based on its authority under G.S. 93A-9, an applicant shall pass both sections of the examination in order to pass the examination.

(c) In order to pass the real estate licensing examination, an applicant shall attain a score for each required section of the examination that is at least equal to the passing score established by the Commission for each section of the examination in compliance with psychometric standards for establishing passing scores for occupational licensing examinations as set forth in the "Standards for Educational and Psychological Testing" jointly promulgated by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education. The "Standards for Educational and Psychological Testing" are incorporated by referencing, including subsequent amendments and editions. A copy of the "Standards for Educational and Psychological Testing" is available for inspection at the North Carolina Real Estate Commission's office, whose address is posted on its website at www.ncrec.gov. Copies of the "Standards for Educational and Psychological Testing" may be ordered from the American Education Research Association through its website at www.aera.net at a charge of sixty-nine dollars and ninety-five cents (\$69.95) per copy plus shipping.

(d) An applicant who passes one or both sections of the examination will receive only a score of "pass" for the section(s) passed; however, an applicant who fails one or both sections of the examination shall be informed of their actual score for the section(s) failed. An applicant who is required to pass both sections of the examination shall do so within his or her 180-day examination eligibility period, and if the applicant passes only one section during his or her 180-day examination eligibility period, then that passing score shall not be recognized if the applicant subsequently re-applies to the Commission for a license.

(e) A passing examination score obtained by a license applicant for both sections of the examination, or for the "state" section if that is the only section an applicant is required to pass, shall be recognized as valid for a period of one year from the date the examination was passed. During this time, the applicant shall satisfy any remaining requirements for licensure that were pending at the time of examination. The running of the one-year period shall be tolled upon mailing the applicant the letter set forth in 21 NCAC 58A .0616(c) informing the applicant that his or her moral character is in question, and shall resume running when the applicant's application is either approved for license issuance, denied, or withdrawn. The application of an applicant with a passing examination score who fails to satisfy all remaining requirements for licensure within one year shall be canceled and

the applicant shall be required to reapply and satisfy all requirements for licensure, including retaking and passing the license examination, in order to be eligible for licensure.

History Note: Authority G.S. 93A-3(c); 93A-4(b); 93A-4(d); Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 2015; January 1, 2012; April 1, 2006; July 1, 2000; July 1, 1996; July 1, 1989; December 1, 1985; May 1, 1982; April 11, 1980.

21 NCAC 58A .0502 BUSINESS ENTITIES

(a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm license prior to engaging in business as a real estate broker. An entity that changes its business form other than by conversion shall submit a new license application upon making the change and obtain a new firm license. An entity that converts to a different business entity in conformity with and pursuant to applicable North Carolina General Statutes is not required to apply for a new license. However, such converted entity shall provide the information required by this Paragraph in writing to the Commission within 10 days of the conversion and shall include the duplicate license fee prescribed in Rule .0509 of this Section to have the firm license reissued in the legal name of the converted entity. Incomplete applications shall not be acted upon by the Commission. Application forms for partnerships, corporations, limited liability companies, associations, and other business entities required to be licensed as brokers shall be available on the Commission's website at www.ncrec.gov or upon request to the Commission and shall require the applicant to set forth:

- (1) the name of the entity;
- (2) the name under which the entity will do business;
- (3) the type of business entity;
- (4) the address of its principal office;
- (5) the entity's NC Secretary of State Identification Number if it is required to be registered with the Office of the NC Secretary of State;
- (6) the name, real estate license number, and signature of the proposed qualifying broker for the proposed firm;
- (7) the address of and name of the proposed broker-in-charge for each office as defined in Rule .0110(a) of this Subchapter, along with a completed broker-in-charge declaration form for each proposed broker-in-charge;
- (8) any past criminal conviction of and any pending criminal charge against any principal in the company or any proposed broker-in-charge;
- (9) any past revocation, suspension, or denial of a business or professional license of any principal in the company or any proposed broker-in-charge;
- (10) if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement or if no written agreement exists, a written description of the rights and duties of the partners, and the name

of each partner. If a partner is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;

- (11) if a limited liability company (LLC), a description of the applicant entity, including a copy of its written operating agreement or if no written agreement exists, a written description of the rights and duties of the managers, and the name of each manager. If a manager is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;
- (12) if a business entity other than a corporation, limited liability company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents evidencing its authority to engage in real estate brokerage;
- (13) if a foreign business entity, a Certificate of Authority to transact business in North Carolina issued by the NC Secretary of State and an executed consent to service of process and pleadings; and
- (14) any other information required by this Rule.

When the authority of a business entity to engage in the real estate business is unclear in the application or in law, the Commission shall require the applicant to declare in the license application that the applicant's organizational documents authorize the firm to engage in the real estate business and to submit organizational documents, addresses of affiliated persons, and similar information. For purposes of this Rule, the term "principal," when it refers to a person or entity, means any person or entity owning 10 percent or more of the business entity, or who is an officer, director, manager, member, partner, or who holds any other comparable position.

(b) After filing a written application with the Commission and upon a showing to the Commission that one principal of the business entity holds a broker license on active status and is in good standing who will serve as qualifying broker of the entity, the entity shall be licensed provided it appears to the Commission that the applicant entity employs and is directed by personnel possessed of the requisite character and fitness required of applicants for a broker license by G.S. 93A-4(b). The qualifying broker of a partnership of any kind shall be a general partner of the partnership; the qualifying broker of a limited liability company shall be a manager of the company; and the qualifying broker of a corporation shall be an officer of the corporation. A licensed business entity may serve as the qualifying broker of another licensed business entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as a broker. The natural person who is qualifying broker shall assure to the Commission the performance of the qualifying broker's duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

(c) The licensing of a business entity shall not be construed to extend to the licensing of its partners, managers, members, directors, officers, employees or other persons acting for the entity

in their individual capacities regardless of whether they are engaged in furthering the business of the licensed entity.

(d) The qualifying broker of a business entity shall assume responsibility for:

- (1) designating and assuring that there is at all times a broker-in-charge for each office and branch office of the entity as "office" and "branch office" are defined in Rule .0110(a) of this Subchapter;
- (2) renewing the real estate broker license of the entity;
- (3) retaining the firm's renewal pocket card at the firm and producing it as proof of firm licensure upon request and maintaining a photocopy of the firm license certificate and pocket card at each branch office thereof;
- (4) notifying the Commission of any change of business address or trade name of the entity and the registration of any assumed business name adopted by the entity for its use;
- (5) notifying the Commission in writing of any change of his or her status as qualifying broker within 10 days following the change;
- (6) securing and preserving the transaction and trust account records of the firm whenever there is a change of broker-in-charge at the firm or any office thereof and notifying the Commission if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter;
- (7) retaining and preserving the transaction and trust account records of the firm upon termination of his or her status as qualifying broker until a new qualifying broker has been designated with the Commission or, if no new qualifying broker is designated, for the period of time records are required to be retained by Rule .0108 of this Subchapter;
- (8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the firm's transaction and trust account records cannot be retained or preserved or if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter; and
- (9) notifying the Commission regarding any revenue suspension, revocation of Certificate of Authority, or administrative dissolution of the entity by the NC Secretary of State within 10 days of the suspension, revocation, or dissolution.

(e) Every licensed business entity and every entity applying for licensure shall conform to all the requirements imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the entity's application for licensure. Upon receipt of notice from an entity or agency of this State that a licensed entity has ceased to exist or that its authority to engage in business in

this State has been terminated by operation of law, the Commission shall cancel the license of the entity.

History Note: Authority G.S. 55-11A-04; 93A-3(c); 93A-4(a); 93A-4(b); 93A-4(d);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2015; July 1, 2014; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2005; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; January 1, 1997; July 1, 1994; May 1, 1990.

**21 NCAC 58A .1711 CONTINUING EDUCATION
REQUIRED OF NONRESIDENT BROKERS**

(a) To be considered a nonresident for continuing education purposes, a real estate broker licensed in North Carolina shall not have a North Carolina business address, mailing address, or residence address at the time he or she applies for license renewal if he or she seeks to renew his or her license on active status. A nonresident North Carolina broker who wishes to renew his or her license on active status may fully satisfy the continuing education requirement by any one of the following means:

- (1) A nonresident broker may, at the time of license renewal, hold a real estate license on active status in another state and certify on a form prescribed by the Commission that the broker holds such license. If at any time after renewal there is a change in the status of the out-of-state license, the nonresident broker shall notify the Commission within 10 days and request that his or her North Carolina license be placed on inactive status, or provide evidence to the Commission that he or she has satisfied either Subparagraph (a)(2) or (a)(3) of this Rule or the requirements of Rule .1702 of this Section.
- (2) A nonresident broker may, within one year preceding license expiration, complete the Commission-prescribed Update course plus one Commission-approved continuing education elective course, or complete two Commission-approved continuing education elective courses.
- (3) A nonresident broker may, within one year preceding license expiration, complete eight classroom hours in courses approved for continuing education credit by the real estate licensing agency in the broker's state of residence or in the state where the course was taken. To obtain credit for a continuing education course completed in another state and not approved by the Commission, the broker must submit a written request for continuing education credit accompanied by a nonrefundable processing fee of twenty dollars (\$20.00) per request and evidence satisfactory to the Commission that the course was completed and that the course was approved for continuing education credit by the real estate licensing agency in the broker's state of

residence or in the state where the course was taken.

- (4) A nonresident broker may obtain eight hours equivalent credit for a course or courses not approved by the Commission or for related educational activities as provided in Rule .1708 of this Section. The maximum amount of continuing education credit the Commission will award a nonresident broker for an unapproved course or educational activity is eight hours.

(b) When requesting to change an inactive license to active status, or when applying for reinstatement of a license expired for not more than six months, a nonresident broker may fully satisfy the continuing education requirements described in Rules .0505 and .1703 of this Subchapter by complying with any of the options described in Paragraph (a) of this Rule, except that the requirements in Subparagraphs (a)(2) and (a)(3) of this Rule restricting the taking of courses to one year preceding license expiration shall not be applicable.

(c) No carry-over credit to a subsequent license period shall be awarded for a course taken in another state that has not been approved by the North Carolina Real Estate Commission as an elective course.

(d) A nonresident broker who has renewed his or her license on active status pursuant to Paragraph (a) of this Rule shall notify the Commission within 10 days if he or she subsequently affiliates with an office with a North Carolina business or mailing address, or becomes a resident of this State, and within 30 days provide evidence to the Commission that he or she has satisfied the requirements of either Subparagraphs (a)(2) or (a)(3) of this Rule or the requirements of Rule .1702 of this Section.

History Note: Authority G.S. 93A-3(c); 93A-4.1;

Eff. July 1, 1994;

Amended Eff. July 1, 2015; January 1, 2008; April 1, 2006;

October 1, 2000; March 1, 1996; July 1, 1995.

**21 NCAC 58C .0605 REQUEST FOR
EXAMINATIONS AND VIDEO RECORDINGS**

(a) Upon request of the Commission, an instructor shall submit to the Commission copies of final course examinations, with answer keys, used in prelicensing courses taught by the instructor.

(b) Upon request of the Commission, an instructor shall submit to the Commission a digital video recording that depicts the instructor teaching portions of a prelicensing or postlicensing course specified in the request by the Commission, and demonstrates that the instructor possesses the basic teaching skills described in Rule .0604 of this Section.

(c) Any video recording submitted to the Commission in connection with an instructor application shall be approximately one hour in length and depict the instructor teaching one continuous block of instruction on a single topic. Any video recording submitted in connection with an instructor application or in response to a request from the Commission shall:

- (1) have been made within 12 months of the date of submission;
- (2) be recorded either on a digital video disc (DVD), USB drive, or similar medium;

- (3) be unedited;
- (4) include a label identifying the instructor and dates of the video instruction; and
- (5) have visual and sound quality sufficient to allow reviewers to clearly see and hear the instructor.

History Note: Authority G.S. 93A-4(a); 93A-4(d); 93A-33; Eff. October 1, 2000;
Amended Eff. July 1, 2015; April 1, 2006; April 1, 2004;
September 1, 2002.

21 NCAC 58E .0203 APPLICATION AND CRITERIA FOR ORIGINAL APPROVAL

(a) A person seeking initial approval as an update course instructor shall submit an application for original approval on a form provided by the Commission. The application form shall be available on the Commission's website at www.ncrec.gov or upon request to the Commission and shall require the applicant to set forth:

- (1) the applicant's legal name, occupation, address, and telephone number;
- (2) the applicant's professional and occupational licensing history and status;
- (3) the applicant's criminal history and history of professional license disciplinary actions;
- (4) the applicant's educational background, including special real estate education;
- (5) the applicant's experience in the real estate business;
- (6) the applicant's real estate teaching experience; and
- (7) the applicant's signature.

An applicant who is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings. No application fee is required. All required information regarding the applicant's qualifications shall be submitted.

(b) The applicant shall be truthful, honest, and of high integrity.
(c) The applicant shall be qualified under one of the following standards:

- (1) possession of a current North Carolina real estate broker license that is not on provisional status, a current continuing education record, and three years full-time experience on active status in general real estate brokerage, including substantial experience in real estate sales and at least one year of general brokerage experience in North Carolina, within the previous seven years. For purposes of this Rule, "substantial experience" is experience that is material, valuable, and worthwhile and not nominal, occasional, or intermittent; or
- (2) possession of qualifications found by the Commission to be equivalent to the standard stated in Subparagraph (c)(1) of this Rule.

(d) The applicant shall possess good teaching skills as demonstrated on a video recording portraying the instructor teaching a live audience. The applicant shall submit the video recording for Commission review on a digital video disc (DVD),

USB drive, or similar medium. The video recording shall be 45-60 minutes in length and depict a continuous block of instruction on a single real estate or directly related topic. The video recording shall be unedited, show a portion of the audience, and have visual and sound quality sufficient to enable reviewers to see and hear the instructor. The video recording shall have been recorded within 12 months of the date of submission and include a label identifying the instructor and date of the video instruction. The video recording shall demonstrate that the instructor possesses the teaching skills described in Rule .0509 of this Subchapter.

(e) The applicant shall take the Commission's Update Instructor Seminar for the real estate license year in which the applicant's approval would be effective prior to approval being issued. If this seminar is not taken within six months after filing the application for approval, the application shall be deemed cancelled. The Update Instructor Seminar shall be a seven hour course offered by the Commission multiple times each year to demonstrate the General Update Course and Broker-in-Charge Update Course materials described in Rule .0102(b) of this Subchapter to approved instructors to prepare them to teach those courses. Registration and available dates for the Update Instructor Seminar are available online at the Commission's website, www.ncrec.gov.

(f) An applicant shall be exempt from qualifying under Paragraphs (c) and (d) of this Rule if he or she is a Commission-approved real estate prelicensing instructor who has satisfied all requirements for an unconditional approval or possesses a current North Carolina real estate broker license, a current continuing education record, and a current designation as a Distinguished Real Estate Instructor (DREI) granted by the Real Estate Educators Association.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;

Amended Eff. July 1, 2015; July 1, 2014; January 1, 2008; April 1, 2004; July 1, 2003; September 1, 2002; July 1, 1996; July 1, 1995.

21 NCAC 58E .0204 ACTIVE AND INACTIVE STATUS; RENEWAL OF APPROVAL

(a) An instructor's initial approval shall be issued on active status and shall remain on active status during the approval period so long as the instructor takes the Commission's annual Update Instructor Seminar, described in Rule .0203(e) of this Section, before September 1 of each year. An instructor may teach the General Update Course or Broker-In-Charge Update Course while his or her license is on active status. When an instructor fails to complete the Update Instructor Seminar by September 1, the instructor's approval shall be placed on inactive status and shall remain on inactive status until the seminar is taken or until the expiration of the instructor's approval, whichever occurs first. An instructor shall not teach any version of the update course while his or her approval is on inactive status.

(b) If an instructor whose approval is on active status is unable to take the Update Instructor Seminar on any of the scheduled seminar dates as shown on the Commission's website at www.ncrec.gov before September 1 of any year due to a personal hardship such as a personal or family illness or a business conflict, the instructor may request and obtain from the Commission an

extension of time to take the seminar on a seminar date following the September 1 deadline. The instructor shall not complete the course later than December 1 of that year. If an extension of time is granted, the instructor's approval shall remain on active status during the extension period.

(c) Commission approval of update course instructors expires on the third December 31 following issuance of approval. Approved instructors shall file applications for renewal of approval on a form provided by the Commission on or before the December 1 immediately preceding expiration of approval. The renewal application form shall be available on the Commission's website at www.ncrec.gov or upon request to the Commission and shall require the applicant to set forth:

- (1) the applicant's legal name, occupation, address, and telephone number;
- (2) the applicant's Update Course Instructor Number;
- (3) the applicant's professional and occupational licensing history and status;
- (4) the applicant's criminal history and history of professional license disciplinary actions;
- (5) information regarding the applicant's experience as a real estate instructor;
- (6) information regarding real estate education and instructor training received by the applicant;
- (7) the applicant's real estate related employment; and
- (8) the applicant's signature.

In order to renew their approval, applicants shall satisfy the criteria for original approval, with the exception of the requirement in Rule .0203(d) of this Section, and their approval shall be on active status as described in Paragraph (a) of this Rule. Applicants for renewal of approval whose approval is on inactive status shall also take the Commission's annual Update Instructor Seminar for the real estate license year in which the applicant's renewal of approval would be effective.

(d) In order to reinstate an expired instructor approval, the former instructor shall file an application for original approval on a form provided by the Commission and described in Rule .0203(a) of this Section, satisfy the criteria for original approval set forth in Rule .0203(b) and (c) of this Section, and demonstrate that he or she has attended at least three separate real estate instructor educational programs of at least six hours each during the previous three years. If the applicant's prior instructor approval was on inactive status at the time the approval expired, the applicant shall additionally take the Commission's annual Update Instructor Seminar for the real estate license year in which the applicant's reinstated approval would be effective. If the applicant's prior instructor approval has been expired for more than one year, the applicant shall also satisfy the criteria for original approval set forth in Rule .0203(d) of this Section.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015; July 1, 2014; January 1, 2012; July 1, 2000; July 1, 1996; July 1, 1995.

21 NCAC 58E .0303 APPLICATION FOR ORIGINAL APPROVAL

(a) A person or entity seeking original approval of a proposed elective course shall complete an application on a form prescribed by the Commission. The form shall be available on the Commission's website at www.ncrec.gov or upon request to the Commission and shall require the applicant to set forth:

- (1) the title of the proposed elective course;
- (2) the applicant's legal name, address, and telephone number;
- (3) the identification of the continuing education coordinator;
- (4) the applicant's sponsor code, if previously approved;
- (5) the amount of the application fee enclosed;
- (6) the credit/classroom hours awarded for completing the course;
- (7) the subject matter of the course;
- (8) the identification of the course owner;
- (9) the information regarding the instructor guide and student manual;
- (10) the identification of prospective instructors; and
- (11) the applicant's signature.

(b) The applicant shall submit a nonrefundable fee of one hundred dollars (\$100.00) per course payable to the North Carolina Real Estate Commission; provided, however, that no fee is required if the applicant is a community college, junior college, college or university located in this State and accredited by the Southern Association of Colleges and Schools, or is an agency of federal, state, or local government.

(c) The application shall be accompanied by a copy of the course objectives, timed outline, instructor's guide, and materials that will be provided to students.

(d) An applicant who is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015; March 1, 1996; July 1, 1995.

21 NCAC 58E .0308 REQUEST FOR A VIDEO RECORDING

Upon the written request of the Commission, the sponsor of an approved elective course shall submit to the Commission a digital video recording depicting the course being taught by a particular instructor designated by the Commission. The digital video recording of the instructor's course presentation shall conform to technical specifications set forth in Rule .0203(d) of this Subchapter.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015; April 1, 2004.

21 NCAC 58E .0408 CHANGE IN SPONSOR OWNERSHIP

If, at any time after the original approval of a course sponsor, an aggregate of fifty percent or more of the ownership interest is

transferred to natural persons or entities other than those having an ownership interest at the time of the original application, the course sponsor approval shall terminate. Termination shall be effective on the date of the transaction resulting in the aggregate transfer of fifty percent or more of the original ownership. The course sponsor, the transferring owners, and the new owners shall not conduct any course after the termination of sponsor approval. The natural persons or entities holding an ownership interest after the transfer shall obtain an original course sponsor approval as required by G.S. 93A-4.1 and Rules .0104, .0303 and .0402 of this Subchapter prior to advertising courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any sponsor activity.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015; July 1, 2014.

21 NCAC 58E .0409 CHANGES DURING APPROVAL PERIOD

- (a) Course sponsors shall notify the Commission in writing prior to any change in business name, ownership interest, continuing education coordinator, address, or business telephone number.
- (b) Course sponsors shall obtain advance approval from the Commission for any changes to be made in the content or number of hours for elective courses. However, changes in course content that are solely for the purpose of assuring that information provided in a course is current and accurate do not require approval during the approval period, but shall be reported at the time the sponsor requests renewal of course approval. Requests for approval of changes shall be in writing.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015.

21 NCAC 58E .0412 DENIAL OR WITHDRAWAL OF APPROVAL

- (a) The Commission may deny or withdraw approval of any course or course sponsor upon finding that:
 - (1) the course sponsor made any false statements or presented any false, incomplete, or incorrect information in connection with an application for course or sponsor approval or renewal of such approval;
 - (2) the course sponsor or any official or instructor in the employ of the course sponsor refused or failed to comply with any of the provisions of this Subchapter;
 - (3) the course sponsor or any official or instructor in the employ of the course sponsor provided false, incomplete, or incorrect information in connection with any reports the course sponsor is required to submit to the Commission;
 - (4) the course sponsor engaged in a pattern of canceling scheduled courses;
 - (5) the course sponsor provided to the Commission in payment for required fees a check that was dishonored by a bank;

- (6) an instructor in the employ of the course sponsor fails to conduct approved courses in a manner that demonstrates possession of the teaching skills described in Rule .0509 of this Subchapter;
- (7) the course sponsor or any official or instructor in the employ of the course sponsor has been found by a court of competent jurisdiction to have violated, in connection with the offering of continuing education courses, any applicable federal or state law or regulation:
 - (A) prohibiting discrimination on the basis of disability;
 - (B) requiring places of public accommodation to be in compliance with prescribed accessibility standards; or
 - (C) requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities;
- (8) the course sponsor or any official or instructor in the employ of the course sponsor has been disciplined by the Commission or any other occupational licensing agency in North Carolina or another jurisdiction;
- (9) the course sponsor or any official or instructor in the employ of the course sponsor collected money from brokers for a continuing education course, but refuses or fails to provide the promised instruction;
- (10) the course sponsor or any person associated with the sponsor provided to a broker any false, incomplete, or misleading information relating to real estate licensing or education matters or the broker's education needs or license status;
- (11) the course sponsor fails to submit to the Commission class rosters as required by Rule .0406 of this Section; or
- (12) the course sponsor fails to submit the per-student-fee as required by G.S. 93A-4.1(d) and Rule .0406 of this Section.

(b) If a broker who is an approved course sponsor or an instructor in the employ of an approved course sponsor engages in any dishonest, fraudulent, or improper conduct in connection with the broker's activities as a course sponsor or instructor, the broker shall be subject to disciplinary action pursuant to G.S. 93A-6.

History Note: Authority G.S. 93A-3(c); 93A-4.1; 93A-6(a)(15);
Eff. July 1, 1994;
Amended Eff. July 1, 2015; July 1, 2010; April 1, 2004; July 1, 2000.

**21 NCAC 58E .0505 ADVERTISING; PROVIDING
COURSE INFORMATION**

- (a) Course sponsors shall not utilize advertising of any type that is false or misleading. If the number of continuing education credit hours awarded by the Commission for an approved elective course is less than the number of scheduled hours for the course, any course advertisement or promotional materials that indicate that the course is approved for real estate continuing education credit in North Carolina shall specify the number of continuing education credit hours awarded by the Commission for the course.
- (b) Any flyers, brochures, or similar materials utilized to promote a continuing education course shall describe the fee to be charged and the sponsor's cancellation and fee refund policies. Course sponsors shall provide prospective students with a full description of the sponsor's cancellation and fee refund policies prior to accepting payment for any course(s).
- (c) Course sponsors of any elective course shall, upon request, provide any prospective student a description of the course content sufficient to give the prospective student a general understanding of the instruction to be provided in the course.
- (d) Course sponsors shall not use endorsements or recommendations of any person or organization, in advertising or otherwise, unless the person or organization has consented in writing to the use of the endorsement or recommendation and is not compensated for such use.

History Note: Authority G.S. 93A-3(c); 93A-4.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2015; July 1, 2001.

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

**25 NCAC 01C .0311 EMPLOYEE OBJECTION TO
MATERIAL IN FILE**

History Note: Authority G.S. 126-25;
Temporary Amendment Eff. May 23, 2014;
Repealed Eff. May 1, 2015.

**25 NCAC 01E .1603 COVERED EMPLOYEES AND
LEAVE CREDITS**

- (a) A full-time employee with a permanent, probationary, trainee or time-limited appointment may be granted 24 hours of community service leave each calendar year, or in lieu of the 24 hours award, with the approval of the supervisor, an employee may be eligible to choose one of the following leave options:
- (1) Tutoring and Mentoring - up to one hour per week, not to exceed 36 hours in a calendar year; or
 - (2) Literacy Program – up to five hours per month.
- (b) The 24 hours of paid leave shall be credited to employees on January 1 of each year, unless they choose the tutoring/mentoring option. New employees shall be credited with leave immediately upon their employment, prorated at two hours per month for the remainder of the calendar year. Separated employees who are reemployed within the same calendar year shall be credited leave the same as a newly hired employee; however, the combination of reemployment credit and total hours used prior to separation in

the same calendar year shall not exceed the annual 24 hour maximum leave benefit.

- (c) Part-time (half time or more) employees with a permanent, probationary, trainee or time-limited appointment may be granted leave prorated proportionately to the percentage awarded to full-time employees.
- (d) If an employee chooses to change leave options from regular Community Service Leave to the special leave provisions for volunteering for the tutoring or mentoring program or the literacy program or vice versa, during the calendar year, the maximum hours allowed under the new option shall be reduced by the amount already used in the prior leave option.

History Note: Authority G.S. 126-4;
Eff. April 1, 2001;
Amended Eff. May 1, 2015.

**25 NCAC 01H .1103 DENIAL OF VETERANS'
PREFERENCE**

History Note: Authority G.S. 126-4(10); 126-4(11); 128-15;
150B, Article 3; S.L. 2013-382, s. 6.1;
Eff. September 1, 1987;
Recodified from 25 NCAC 01H .0613 Eff. October 5, 2004;
Amended Eff. June 1, 2008; February 1, 2007; February 17, 2014;
Temporary Amendment Eff. February 28, 2014;
Repealed Eff. May 1, 2015.

**25 NCAC 01J .1304 SETTLEMENTS/CONSENT
AGREEMENTS IN GRIEVANCES, CONTESTED CASES**

- (a) Any mediation agreement, settlement agreement, or consent agreement in a grievance or contested case that requires the entering of data into human resources and payroll information system used by agencies with employees subject to G.S. 126, shall be approved by the Office of State Human Resources for compliance with all rules contained in Subchapters 1C (Personnel Administration), 1D (Compensation), 1E (Employee Benefits), 1H (Recruitment and Selection), and 1J (Employee Relations) in Title 25 of the North Carolina Administrative Code before the agency enters the data.
- (b) Data shall be entered into the human resources and payroll information system by an agency when it determines that an action shall be taken that affects classification, salary, leave, demotion, reassignment, transfer, or for any other human resources action, except where the only personnel action taken as a result of the settlement is the substitution of a resignation for a dismissal.
- (c) Approval by the Office of State Human Resources shall be indicated by the signature of the State Human Resources Director or his or her designee in an appropriate place on the settlement or consent agreement to the Office of State Human Resources Director. This provision shall not be construed to require Office of State Human Resources' approval of a settlement in which the only portion requiring approval is the awarding of attorney's fees to the employee's attorney by the Office of Administrative Hearings.
- (d) This provision shall also not be construed to require approval of any settlement the terms of which allow an employee to

substitute a resignation for a dismissal and to withdraw a grievance or a contested case action.

(e) The provisions of 25 NCAC 01A .0104 (EXCEPTIONS AND VARIANCES) shall be complied with when any provision of a settlement or consent agreement in a grievance or contested case requires an exception to or variance from the rules in this Chapter contained in Subchapters 1C (Personnel Administration), 1D (Compensation), 1E (Employee Benefits), 1H (Recruitment and Selection), and 1J (Employee Relations). This compliance shall be in addition to the requirements of this Rule. Any settlement or consent agreement that contains a provision that requires an exception to or variance from existing human resources policy shall be reviewed and approved by the Office of State Human Resources Director prior to the processing of any human resources action forms by the Office of State Human Resources or the university human resources and payroll system.

(f) Requests to enter data into the State's human resources and payroll system that are required by the provisions of any

settlement or consent agreement that has not been approved by the Office of State Human Resources as required by this Rule shall not be processed by the human resources and payroll information system used by agencies with employees subject to G.S. 126, and shall be returned to the agency without action.

(g) No agency shall agree to any mediation agreement, settlement agreement, or consent agreement entered under G.S. 126 that does not comply with the rules in this Subchapter. However, no rules in this Subchapter shall constrain the authority of any agency to request an exception from these rules; nor shall any provision of these rules restrict the discretion and authority of any decision maker applying these Rules to apply the rules consistent with the decision maker's discretion and authority.

History Note: Authority. 126-4; 126-34.01;
Temporary Adoption Eff. May 23, 2014;
Eff. May 1, 2015.

This Section contains information for the meeting of the Rules Review Commission June 16, 2015 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Jeff Hyde (1st Vice Chair)
Margaret Currin
Jay Hemphill
Faylene Whitaker

Appointed by House
Garth Dunklin (Chair)
Stephanie Simpson (2nd Vice Chair)
Anna Baird Choi
Jeanette Doran
Ralph A. Walker

COMMISSION COUNSEL

Abigail Hammond (919)431-3076
Amber Cronk May (919)431-3074
Amanda Reeder (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

June 16, 2015 July 16, 2015
August 20, 2015 September 17, 2015

AGENDA**RULES REVIEW COMMISSION****TUESDAY, JUNE 16, 2015 10:00 A.M.****1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Social Services Commission – 10A NCAC 73A .0107, .0108 (Hammond)
 - B. Board of Dental Examiners – 21 NCAC 16R .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0201, .0202, .0203, .0204, .0205, .0206; 16S .0101, .0102, .0202, .0203; 16T .0101, .0102; 16U .0101, .0102, .0103, .0201, .0203, .0204; 16V .0101, .0102; 16W .0101, .0102; 16Y .0101, .0102, .0103, .0104; 16Z .0101 (May)
 - C. Irrigation Contractors Licensing Board - 21 NCAC 23 .0105 (Reeder)
 - D. Building Code Council – 2012 NC Residential Code, Sections R101.2, R202, and R324, 2012 NC Building Code, Chapter 36; 2012 NC Fire Code, 4504.1 (Reeder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between April 21, 2015 and May 20, 2015
 - Pesticide Board (Reeder)
 - Board of Agriculture (May)
 - Department of Commerce - Division of Employment Security (Hammond)
 - Commission for Public Health (May)
 - Coastal Resources Commission (May)
 - Board of Certified Public Accountant Examiners (May)
 - Board of Chiropractic Examiners (May)
 - Board of Pharmacy (May)
- V. Existing Rules Review
 - Review of Reports
 - 1. 04 NCAC 02R – Alcoholic Beverage Control Commission
 - 2. 10A NCAC 21 – Division of Medical Assistance
 - 3. 10A NCAC 22 – Division of Medical Assistance

4. 15A NCAC 07B – Coastal Resources Commission
5. 21 NCAC 50 – Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors
6. 21 NCAC 61 – Respiratory Care Board

- VI. Commission Business
- Legislative Update
 - Next meeting: Tuesday, July 16, 2015
-

Commission Review
Log of Permanent Rule Filings
April 21, 2015 through May 20, 2015

PESTICIDE BOARD

The rules in Chapter 9 are from the Food and Drug Protection Division of the Department of Agriculture and Consumer Services. The rules in Subchapter 9L are from the N.C. Pesticide Board and include organizational rules (.0100); registration (.0300); samples and submissions (.0400); pesticide licenses (.0500); pesticide and pesticide container disposal (.0600); declaration of pests and restrictions on their control (.0700); bulk distribution of pesticides (.0800); aerial application of pesticides (.1000); private pesticide applicator certification (.1100); arsenic trioxide (.1200); availability of restricted use pesticides (.1300); ground application of pesticides (.1400); worker protection standards for agricultural pesticides (.1800); pesticide storage (.1900); chemigation (any process whereby pesticides are applied to land, crops, or plants using an irrigation system) (.2000); hearing rules of the North Carolina pesticide board (.2100); and interim protection measures for the Carolina heelsplitter mussel (.2200).

<u>Definitions</u>	02	NCAC	09L	.0504
Amend/*				
<u>Classifications</u>	02	NCAC	09L	.0505
Amend/*				
<u>Categories of Consultants</u>	02	NCAC	09L	.0507
Amend/*				
<u>Recertification Options</u>	02	NCAC	09L	.0522
Amend/*				
<u>Soil and Growing Media Fumigation Examination Waiver</u>	02	NCAC	09L	.0529
Adopt/*				
<u>Definitions</u>	02	NCAC	09L	.1102
Amend/*				
<u>Certification Examination</u>	02	NCAC	09L	.1103
Amend/*				
<u>Single Purchase Emergency Certification Permit</u>	02	NCAC	09L	.1104
Amend/*				
<u>Term of Certification; Recertification</u>	02	NCAC	09L	.1108
Amend/*				
<u>Certification of Private Applicators</u>	02	NCAC	09L	.1109
Adopt/*				

AGRICULTURE, BOARD OF

The rules in Chapter 9 are from the Food and Drug Protection Division.

The rules in Subchapter 9M concern Drugs.

<u>Manufacturer Registration</u>	02	NCAC	09M	.0101
Amend/*				

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

The rules in Chapter 24 concern the Division of Employment Security.

The rules in Subchapter 24A concern general information (.0100); requests for documents and public records unrelated to contested claim (.0200); and petitions for rulemaking (.0300).

<u>Office Location</u> Adopt/*	04	NCAC	24A	.0101
<u>Address Changes</u> Adopt/*	04	NCAC	24A	.0102
<u>Addresses for Notice</u> Adopt/*	04	NCAC	24A	.0103
<u>Addresses for Filing Claims, Appeals, Exceptions, Request...</u> Adopt/*	04	NCAC	24A	.0104
<u>Definitions</u> Adopt/*	04	NCAC	24A	.0105
<u>Filing/Mailing Dates and Use of Forms</u> Adopt/*	04	NCAC	24A	.0106
<u>Digital Signatures</u> Adopt/*	04	NCAC	24A	.0107
<u>Signatures on Reports and Forms</u> Adopt/*	04	NCAC	24A	.0108
<u>Power of Attorney</u> Adopt/*	04	NCAC	24A	.0109
<u>Written Request Required</u> Adopt/*	04	NCAC	24A	.0201
<u>Clear Description of Records Required</u> Adopt/*	04	NCAC	24A	.0202
<u>Determination as to Disclosure</u> Adopt/*	04	NCAC	24A	.0203
<u>Release of Information to Third Party</u> Adopt/*	04	NCAC	24A	.0204
<u>Fees for Copies and Services</u> Adopt/*	04	NCAC	24A	.0205
<u>Method of Payment</u> Adopt/*	04	NCAC	24A	.0206
<u>Payment Required Before Information Release</u> Adopt/*	04	NCAC	24A	.0207
<u>Right to Petition</u> Adopt/*	04	NCAC	24A	.0301
<u>Disposition of Petition</u> Adopt/*	04	NCAC	24A	.0302

The rules in Subchapter 24B concern benefits including claims for unemployment insurance benefits (.0100); interstate claims (.0200); work search requirements (.0300); adjudication (.0400); labor disputes (.0500); unemployment insurance benefit overpayments (.0600); request for waiver of overpayment (.0700); interstate overpayment recovery (.0800); setoff debt collection act (.0900); and treasury offset program (.1000).

<u>Filing a Claim</u> Adopt/*	04	NCAC	24B	.0101
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<u>Alternative Filing Methods</u> Adopt/*	04	NCAC	24B	.0102
<u>Weekly Certifications</u> Adopt/*	04	NCAC	24B	.0103
<u>Information to be Provided to New Claimants Filing a Claim</u> Adopt/*	04	NCAC	24B	.0104
<u>Antedating</u> Adopt/*	04	NCAC	24B	.0105
<u>Suspension of Benefits for Probation Violators Who Avoid ...</u> Adopt/*	04	NCAC	24B	.0106
<u>Registration for Work</u> Adopt/*	04	NCAC	24B	.0201
<u>Benefits Rights of Interstate Claimants</u> Adopt/*	04	NCAC	24B	.0202
<u>Claims for Benefits</u> Adopt/*	04	NCAC	24B	.0203
<u>Determination of Claims</u> Adopt/*	04	NCAC	24B	.0204
<u>Appellate Procedure</u> Adopt/*	04	NCAC	24B	.0205
<u>Canadian Claims</u> Adopt/*	04	NCAC	24B	.0206
<u>Notification of Interstate Claim</u> Adopt/*	04	NCAC	24B	.0207
<u>Requirements for Claimants</u> Adopt/*	04	NCAC	24B	.0301
<u>Record of Work and Wages of Claimants</u> Adopt/*	04	NCAC	24B	.0302
<u>Determinations</u> Adopt/*	04	NCAC	24B	.0401
<u>Request for Separation Information from Employer</u> Adopt/*	04	NCAC	24B	.0402
<u>Notice to Employer of Labor Dispute Claim</u> Adopt/*	04	NCAC	24B	.0501
<u>Employer Response Requirement</u> Adopt/*	04	NCAC	24B	.0502
<u>Determination of Labor Dispute and Referral for Hearing</u> Adopt/*	04	NCAC	24B	.0503
<u>Issues</u> Adopt/*	04	NCAC	24B	.0504
<u>Notice Requirement for Overpayment</u> Adopt/*	04	NCAC	24B	.0601
<u>Bill for Repayment of Overpayment</u> Adopt/*	04	NCAC	24B	.0602
<u>Wage Audit Notice for Employers</u> Adopt/*	04	NCAC	24B	.0603
<u>Waiver of Repayments of Nonfraudulent Overpayment</u> Adopt/*	04	NCAC	24B	.0701
<u>Waiver of Repayments of Fraudulent Overpayment</u> Adopt/*	04	NCAC	24B	.0702
<u>Decision and Consideration of Waiver Petitions</u> Adopt/*	04	NCAC	24B	.0703

<u>Factors in Determining Equity and Good Conscience</u> Adopt/*	04	NCAC	24B	.0704
<u>Factors in Determining Fault</u> Adopt/*	04	NCAC	24B	.0705
<u>Duties of the Requesting State</u> Adopt/*	04	NCAC	24B	.0801
<u>Duties of Recovering State</u> Adopt/*	04	NCAC	24B	.0802
<u>Duties of Paying State</u> Adopt/*	04	NCAC	24B	.0803
<u>Withdrawals of Combined Wage Claims</u> Adopt/*	04	NCAC	24B	.0804
<u>Setoff Debt Collection Act Hearings</u> Adopt/*	04	NCAC	24B	.0901
<u>Notice of Referral</u> Adopt/*	04	NCAC	24B	.1001
<u>Reevaluation of Debt</u> Adopt/*	04	NCAC	24B	.1002

The rules in Subchapter 24C concern initial appeals from determination and higher authority review including general initial appeals information (.0100); initial appeals hearing (.0200); legal representation for initial appeals (.0300); subpoenas for initial appeals (.0400); higher authority review of appeals decision (.0500); and post-decision relief (.0600).

<u>Appeal Date Established by Testimony</u> Adopt/*	04	NCAC	24C	.0101
<u>Exception to Timeliness Requirement</u> Adopt/*	04	NCAC	24C	.0102
<u>Base Period Employer Denied Noncharging</u> Adopt/*	04	NCAC	24C	.0103
<u>Employer Party to Determination</u> Adopt/*	04	NCAC	24C	.0104
<u>Appearance by Party</u> Adopt/*	04	NCAC	24C	.0201
<u>Presenting and Scheduling Appeals Claims</u> Adopt/*	04	NCAC	24C	.0202
<u>Contents of Appeal to Appeals Section</u> Adopt/*	04	NCAC	24C	.0203
<u>Appeals Hearing Notice</u> Adopt/*	04	NCAC	24C	.0204
<u>Telephone Hearings</u> Adopt/*	04	NCAC	24C	.0205
<u>In-person Hearings</u> Adopt/*	04	NCAC	24C	.0206
<u>Rescheduling a Hearing</u> Adopt/*	04	NCAC	24C	.0207
<u>Disqualification of Appeals Referee</u> Adopt/*	04	NCAC	24C	.0208
<u>Conduct of Hearings</u> Adopt/*	04	NCAC	24C	.0209
<u>Hearsay</u> Adopt/*	04	NCAC	24C	.0210

<u>Controlled Substance Results</u> Adopt/*	04	NCAC	24C	.0211
<u>Contents of Appeals Decision</u> Adopt/*	04	NCAC	24C	.0212
<u>Administration Proceedings</u> Adopt/*	04	NCAC	24C	.0301
<u>Notices of Service to Party</u> Adopt/*	04	NCAC	24C	.0302
<u>Issuance of Subpoenas</u> Adopt/*	04	NCAC	24C	.0401
<u>Objection to Subpoena</u> Adopt/*	04	NCAC	24C	.0402
<u>Requirements for Appeal Statement to Board of Review</u> Adopt/*	04	NCAC	24C	.0501
<u>Acknowledgement of Appeal</u> Adopt/*	04	NCAC	24C	.0502
<u>Oral Arguments</u> Adopt/*	04	NCAC	24C	.0503
<u>Legal Representation</u> Adopt/*	04	NCAC	24C	.0504
<u>Introduction of Evidence in Higher Authority Hearings</u> Adopt/*	04	NCAC	24C	.0505
<u>Content of Higher Authority Decision</u> Adopt/*	04	NCAC	24C	.0506
<u>Post-Decision Relief</u> Adopt/*	04	NCAC	24C	.0601

The rules in Subchapter 24D concern tax administration including account charge protests (.0100); request for noncharging of benefits payments (.0200); adequacy (.0300); voluntary election and payments (.0400); records (.0500); reports (.0600); transfer of experience rating to related entity successor account (.0700); agreements to compromise (.0800); special tax investigations (.0900); requests and hearings to review and redetermine tax rate (.1000); tax liability hearings (.1100); seasonal pursuits (.1200); collection methods of employer debt (.1300); and records (.1400).

<u>Notice of Claim to Employer</u> Adopt/*	04	NCAC	24D	.0101
<u>Notice to Employer of Potential Charges</u> Adopt/*	04	NCAC	24D	.0102
<u>Requirements for Filing Protests</u> Adopt/*	04	NCAC	24D	.0103
<u>Time for Filing Protests</u> Adopt/*	04	NCAC	24D	.0104
<u>Grounds for Protest</u> Adopt/*	04	NCAC	24D	.0105
<u>DES's Responsibilities Upon Receipt of Protest</u> Adopt/*	04	NCAC	24D	.0106
<u>Determination on Grounds Contained in Protest</u> Adopt/*	04	NCAC	24D	.0107
<u>Making the Request for Noncharging</u> Adopt/*	04	NCAC	24D	.0201
<u>Determination on Requests for Noncharging</u> Adopt/*	04	NCAC	24D	.0202

<u>Appealing Denial of Request for Noncharging</u> Adopt/*	04	NCAC	24D	.0203
<u>Adequacy Threshold</u> Adopt/*	04	NCAC	24D	.0301
<u>Adequacy Threshold Determination</u> Adopt/*	04	NCAC	24D	.0302
<u>Adequacy Penalty Determination</u> Adopt/*	04	NCAC	24D	.0303
<u>Appealing Adequacy Penalty</u> Adopt/*	04	NCAC	24D	.0304
<u>Voluntary Election by Employer</u> Adopt/*	04	NCAC	24D	.0401
<u>Election to Reimburse in Lieu of Contributions</u> Adopt/*	04	NCAC	24D	.0402
<u>Payment of Employer Taxes</u> Adopt/*	04	NCAC	24D	.0403
<u>Records of Employers</u> Adopt/*	04	NCAC	24D	.0501
<u>Wage Records</u> Adopt/*	04	NCAC	24D	.0502
<u>Allowances and Reimbursement Advances</u> Adopt/*	04	NCAC	24D	.0503
<u>Manner of Recordkeeping</u> Adopt/*	04	NCAC	24D	.0504
<u>General Format of Reports and Forms and Methods of Submis...</u> Adopt/*	04	NCAC	24D	.0601
<u>Status Reports</u> Adopt/*	04	NCAC	24D	.0602
<u>Quarterly Reports from Taxed Employers</u> Adopt/*	04	NCAC	24D	.0603
<u>Annual Reports from Domestic Employers</u> Adopt/*	04	NCAC	24D	.0604
<u>Transfer of Experience</u> Adopt/*	04	NCAC	24D	.0701
<u>Requirements for Transfer of Experience</u> Adopt/*	04	NCAC	24D	.0702
<u>Application</u> Adopt/*	04	NCAC	24D	.0801
<u>Special Tax Investigations</u> Adopt/*	04	NCAC	24D	.0901
<u>Request for Redetermination of Tax Rate</u> Adopt/*	04	NCAC	24D	.1001
<u>Division's Obligations</u> Adopt/*	04	NCAC	24D	.1002
<u>Continued Payments Required</u> Adopt/*	04	NCAC	24D	.1003
<u>Appealing a Tax Matter</u> Adopt/*	04	NCAC	24D	.1101
<u>Scheduling Tax Hearings</u> Adopt/*	04	NCAC	24D	.1102
<u>Telephone Hearings</u> Adopt/*	04	NCAC	24D	.1103

<u>In-person Hearings</u> Adopt/*	04	NCAC	24D	.1104
<u>Rescheduling a Tax Hearing</u> Adopt/*	04	NCAC	24D	.1105
<u>Subpoenas</u> Adopt/*	04	NCAC	24D	.1106
<u>The Tax Opinion</u> Adopt/*	04	NCAC	24D	.1107
<u>Request for Seasonal Determination</u> Adopt/*	04	NCAC	24D	.1201
<u>Written Determination</u> Adopt/*	04	NCAC	24D	.1202
<u>Display Required</u> Adopt/*	04	NCAC	24D	.1203
<u>Wage Records and Reports Requirements</u> Adopt/*	04	NCAC	24D	.1204
<u>Notice to Employer</u> Adopt/*	04	NCAC	24D	.1301
<u>Notice to Garnishee</u> Adopt/*	04	NCAC	24D	.1302
<u>Official Forms</u> Adopt/*	04	NCAC	24D	.1401

The rules in Subchapter 24E concern unemployment insurance documents and records.

<u>Confidentiality of Unemployment Insurance Information</u> Repeal/*	04	NCAC	24E	.0101
<u>Request for Documents and Records</u> Repeal/*	04	NCAC	24E	.0102
<u>Fees for Copies and Services</u> Repeal/*	04	NCAC	24E	.0103
<u>Payment of Fees</u> Repeal/*	04	NCAC	24E	.0104

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 46 concern local standards including general provisions (.0100); standards for local health departments (.0200) and local health department staff (.0300); and sanitation inspections (.0400).

<u>Mandated Services</u> Amend/*	10A	NCAC	46	.0201
<u>Grade A Milk Sanitation</u> Repeal/*	10A	NCAC	46	.0212

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine

and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

<u>General Permit for Excavation Within or Connecting to Exi...</u> Amend/*	15A NCAC 07H .1501
<u>Approval Procedures</u> Amend/*	15A NCAC 07H .1502
<u>General Conditions</u> Amend/*	15A NCAC 07H .1504
<u>Specific Conditions</u> Amend/*	15A NCAC 07H .1505

PUBLIC HEALTH, COMMISSION FOR

The rules in Subchapter 18C are water supply rules including their protection and location (.0100-.0200), submission of plans, etc. (.0300), design criteria (.0400-.0500), raw surface water facilities (.0600), surface water treatment facilities (.0700), hydropneumatic storage tanks (.0800), distribution systems (.0900), disinfection (.1000), protection of unfiltered and filtered supplies (.1100-.1200), variances (.1300), fluoridation (.1400), water quality standards and variances (.1500-.1600), systems grants (.1700), local plan approval (.1800), administrative penalties (.1900), filtration and disinfection (.2000); operating permits (.2100); and ground water systems (.2200).q

<u>Revised Total Coliform Rule</u> Adopt/*	15A NCAC 18C .1539
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CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

The rules in Subchapter 8G are the continuing professional education requirements including general provisions (.0100); responsibilities to clients and colleagues (.0200); and other responsibilities and requirements (.0300 and .0400).

<u>Computation of CPE Credits</u> Amend/*	21 NCAC 08G .0409
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CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

<u>Peer Reviews</u> Amend/*	21 NCAC 10 .0305
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PHARMACY, BOARD OF

The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

Registration
Amend/*

21 NCAC 46 .3301

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) 431-3000. Also, the Contested Case Decisions are available on the Internet at <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

Melissa Owens Lassiter
Don Overby
J. Randall May

A. B. Elkins II
Selina Brooks
Phil Berger, Jr.

J. Randolph Ward

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Anthony Garrard v. Secretary of State's Office	14 SOS 03403	08/22/14	

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Sarah W. Robbins v. UNC Hospitals	13 UNC 13904	10/03/14	
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People for the Ethical Treatment of Animals, Inc., v. Wildlife Resources Commission and Gordon Myers, As Executive Director	14 WRC 10041	12/29/14	

granted under Chapter 17E of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 10B, to certify justice officers and to deny, revoke, or suspend such certification.

3. 12 NCAC 10B .0301(a)(6)(c) provides that every Justice Officer employed or certified in North Carolina shall have produced a negative result on a drug screen administered according to the following specifications:

The drugs whose use shall be tested for shall include at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites.

4. Further, 12 NCAC 10B .0204(b)(5) provides that the Commission shall revoke, deny, or suspend a law enforcement officer's certification when the Commission finds that the applicant for certification or certified officer has produced a positive result on any drug screen reported to the Respondent Commission, or reported to any other commission, agency, or board established to certify a person as a justice officer, corrections officer, or criminal justice officer, unless the positive result is due to a medically indicated cause.

5. Pursuant to 12 NCAC 10B .0205, when Respondent suspends or denies the certification of a justice officer for a positive drug screen, the period of sanction shall be not less than five years; however, Respondent may either reduce or suspend the period of sanction under Paragraph 2 (g) of this Rule, or substitute a period of probation in lieu of suspension of certification following an administrative hearing, where extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

6. Petitioner is currently an applicant for certification through the Durham County Sheriff's Office.

7. Petitioner was previously employed at the Durham County Sheriff's Office for approximately 10 years, from July 2002 until August of 2012. Petitioner left the Durham County Sheriff's Office in order to advance his career and pursue employment as a sworn criminal justice officer with the Duke University Police Department.

8. On August 7, 2012, Petitioner was notified in writing of his conditional offer for employment at the Duke University Police Department. Respondent's Exhibit 3. Among other things, Petitioner's conditional offer was contingent on Petitioner providing a negative drug screen.

9. On August 16, 2012, Petitioner submitted to a pre-employment drug screen through Duke University and Health Systems. On August 21, 2012, Petitioner's drug screen reported back positive for the controlled substance Codeine, which is an opiate. Respondent's Exhibit 4.

10. Petitioner did not have a prescription for Codeine at the time he tested positive for this controlled substance. Petitioner obtained the Codeine from his fiancée, Erin Metz, who had been prescribed the medication. Respondent's Exhibit 5.

11. On August 31, 2012, Duke University Police Department withdrew Petitioner's conditional offer of employment. Respondent's Exhibit 7.

12. At the administrative hearing, Petitioner admitted that he lost the job opportunity at the Duke University Police Department, because he tested positive for Codeine, a controlled substance, on or about August 16, 2012. He explained that in 2012, he experienced neck and back pain due to a weightlifting injury he received earlier in 2012. Although Petitioner was experiencing neck pain periodically, he had not reached the point where he felt he needed medical intervention.

13. Petitioner's neck pain progressively worsened during the months leading up to August 2012. On August 15, 2012, Petitioner was experiencing neck pain. He believed he aggravated his neck from a workout the previous day. Petitioner took Motrin for his neck pain, but that did not alleviate the pain. Petitioner was desperate for pain relief. After Petitioner's fiancée' (now wife) observed Petitioner's intense pain, she suggested Petitioner take one of her prescription Tylenol 3 medication, which contained Codeine. Before going to bed, Petitioner took his fiancé's prescription Tylenol 3 to alleviate his neck pain, and to help him sleep. When Petitioner took this medication, he did not possess a valid prescription for the drug.

15. Petitioner's use of a drug without a valid prescription was limited to his one-time use of Tylenol 3 on August 15, 2012. Petitioner admits that what he did was wrong, and that it was unlawful for him to take a prescription medication that had been prescribed to another person. Petitioner regrets having taken the Tylenol 3 that was prescribed to his fiancé.

16. Petitioner's certification is subject to denial pursuant to 12 NCAC 10B .0204 (b)(5) based on Petitioner having produced a positive drug screen through the Criminal Justice Education and Training Standards Commission on or about August 16, 2012. Petitioner's positive drug screen was not the result of a medically indicated cause as Petitioner had not consulted with a physician, and had not been prescribed Codeine before August 16, 2012.

17. Pursuant to 12 N.C.A.C. 10B .0205 (2)(g), Respondent has the discretion to issue a lesser sanction than denial of Petitioner's application for certification where extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

18. The substantial record in this case established that Petitioner was suffering from a significant medical condition in his neck when he used the Tylenol 3 that had been prescribed to his fiancé on August 15, 2012. On December 20, 2012, Petitioner underwent an MRI to diagnose his neck pain. The radiologist, Dr. Hetal P.

Patel, noted Petitioner suffered from a broad-based bulging disc between C6-C7 of Petitioner's cervical spine. See Petitioner's Exhibit 1. The bulging disc was noted as having an effect upon Petitioner's right intraspinal nerve root.

19. On February 10, 2013, Dr. Jennifer Orning of UNC-Hospitals performed an anterior discectomy, and anterior arthrodesis of C6 and C7 of Petitioner's cervical spine. In addition, Dr. Orning also placed an Atlantis plate at C6-C7 and performed a Cornerstone structural allograft. Petitioner's Exhibit 1.

20. When Petitioner took the Tylenol 3, prescribed to his fiancé, on August 15, 2012, he suffered a significant spinal condition that was untreated.

21. Petitioner has the support of the law enforcement community, as evidenced by several letters of support that were introduced at the administrative hearing. Several law enforcement officers opined at hearing that Petitioner was a professional, trustworthy, and hardworking deputy while at the Durham County Sheriff's Office, and that Petitioner was a good company police officer. The following officers support Petitioner obtaining certification through Respondent Commission: Durham County Sheriff's Sgt. Eric Carpenter; Durham County Sheriff's Sgt. David Q LaBarre; Durham County Sheriff's Deputy Justin Gryder; Old Dominion Public Security Officers Kevin Brant who supervised Petitioner as a company police officer at Alamance Regional Medical Center, and Officer Joshua Burnette who worked with Petitioner at Alamance Regional; and Nate Chambers from the Chapel Hill Police Department.

CONCLUSIONS OF LAW

1. The parties are properly before the Office of Administrative Hearings who has subject matter jurisdiction over the matter of this case, and personal jurisdiction.

2. 12 N.C.A.C. 10B .0301(6)(c) requires every justice officer employed in North Carolina to produce negative drug screen results. Drugs whose use shall be tested for include Opiates or their metabolites. The prescription drug Codeine is classified as an opiate.

3. 12 N.C.A.C. 10B .0204(b)(5) provides that the Sheriffs' Education and Training Standards Commission shall revoke, deny, or suspend certification when the Commission finds that the applicant or certified officer has produced a positive drug screen reported to the Respondent Commission or to any other commission, agency, or board established to certify a person as a justice officer.

4. In this case, Petitioner tested positive for Codeine on or about August 16, 2012. Petitioner did not possess a valid prescription for this controlled substance when he took his fiancé's prescription Tylenol 3 containing Codeine for excruciating neck pain. Petitioner's conduct was unlawful insofar as Petitioner took medication that had been prescribed to his fiancé. Petitioner is not in compliance with rule 12 N.C.A.C. 10B

.0301(6)(c) and 12 N.C.A.C. 10B .0204(b)(5), and Petitioner's application for certification is therefore subject to denial.

5. Pursuant to 12 N.C.A.C. 10B .0205(2)(g), when Respondent denies the certification of a justice officer for a positive drug screen result, the period of sanction shall be not less than five (5) years.

6. However, pursuant to 12 N.C.A.C. 10B .0205(2)(g), Respondent may either reduce or suspend the period of sanction under this rule, or substitute a period of probation in lieu of revocation or denial of certification, following an administrative hearing, where extenuating circumstances brought out at the administrative hearing warrant such a reduction.

7. The extenuating circumstances brought out at the administrative hearing warrant the issuance of Petitioner's certification. Petitioner's use of the Tylenol 3 that had been prescribed to his fiancé was limited to one-time use on the evening of August 15, 2012. At that time, Petitioner was suffering from a significant spinal condition that ultimately resulted in Petitioner having a discectomy and placement of a plate to secure Petitioner's cervical spine. Petitioner has admitted that his actions were unlawful, and he regrets having taken the medication. There is no indication that Petitioner will engage in such behavior in the future. Based on these circumstances, the undersigned recommends that Petitioner be certified through the Respondent Commission.

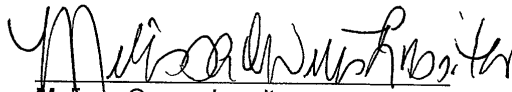
PROPOSAL FOR DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned recommends Respondent issue Petitioner's justice officer's certification based on the extenuating circumstances brought out at the administrative hearing.

NOTICE

The North Carolina Sheriffs' Education and Training Standards Commission will make the Final Decision in this contested case. As the final decision maker, that agency is required to give each party an opportunity to file Exceptions to this Proposal for Decision, to submit Proposed Findings of Fact, and to present oral and written arguments to the Agency pursuant to N.C. Gen. Stat. § 150B-40(e). 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.

This 26th day of January, 2015.


Melissa Owens Lassiter
Administrative Law Judge

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
1/27/2015 10:28 AM

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14DOJ06135

<p>DANIEL LEWIS SAGER PETITIONER,</p> <p>V.</p> <p>N C ALARM SYSTEMS LICENSING BOARD RESPONDENT.</p>	<p>PROPOSAL FOR DECISION</p>
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On September 23, 2014, Administrative Law Judge Randall May called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an alarm systems installation registration based on Petitioner's lack of good moral character and temperate habits as evidenced by conviction of misdemeanor Hit and Run and DWI.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. §§ 74D-2; 74D-6; 74D-8; 74D-10; 12 NCAC 11 .0300.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. § 74D-2, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the alarm systems installation business.
2. Petitioner applied to Respondent Board for an alarm systems installation registration.

3. Respondent denied the alarm installation registration due to Petitioner's criminal record which showed the following:

A conviction for misdemeanor Hit and Run, Failure to Stop & Property Damage and Driving While Impaired (DWI), Level 5 in Wake County, State of North Carolina on November 25, 2013.

4. Petitioner requested a hearing on Respondent's denial of the alarm installation registration.
5. By Amended Notice of Hearing dated August 14, 2014, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his alarm installation registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on September 23, 2014. Petitioner appeared at the hearing.
6. Petitioner testified that on June 30, 2013 at 2:00 a.m. he was at a local bar in Raleigh, North Carolina, drinking. He left the bar in his car and started driving home. It was raining heavily. He lost control of his car on Lumley Road striking a guard rail. He backed up and continued to drive home. A citizen witnessed the accident and called the police. While resting at his house, the police arrived.
7. The officers checked the damage to the car and asked if he had been drinking. He admitted to the police that he had been drinking and was placed under arrest. He retained an attorney and entered a plea of Not Guilty. The Court found him guilty. The Court sentenced him to one year unsupervised probation, community service, a \$1,500.00 fine for property damage and revocation of his driver's license. The Court issued him a provisional license that allows him to drive back and forth to work.
8. Petitioner has worked for Time Warner Cable for four (4) years in "inside sales." (He provides product information to the public over the telephone. He does not go into customers' homes. He does no in-home sales or installations.)
9. Petitioner has been sober for 15 months and is turning his life around. He voluntarily entered the treatment program at Fellowship Hall in Greensboro, North Carolina.
10. He does not drive as part of his job.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. § 74D-6(3), Respondent Board may refuse to grant an alarm installation registration if it is determined that the applicant has demonstrated intemperate habits or lacks good moral character.

3. Under G.S. § 74D-6(2), Respondent Board may refuse to grant an alarm installation registration if it is determined that the applicant has been convicted of a crime involving the illegal use of alcohol.
4. Under G.S. §§ 74D-6(2) & 74D-10(a)(4), conviction of any crime involving damage to real or personal property is *prima facie* evidence that the applicant does not have good moral character or temperate habits.
5. Respondent Board presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through convictions in Wake County, North Carolina for crimes involving the illegal use of alcohol and Hit and Run/Failure to Stop & Property Damage.
6. Petitioner presented sufficient evidence to explain the factual basis for the charge and has rebutted the presumption.

Based on the foregoing, the undersigned makes the following:

FINAL DECISION

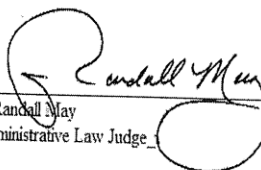
Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner be issued the renewal of his alarm installation registration.

NOTICE AND ORDER

The North Carolina Alarm Systems Licensing Board is the agency that will make the Final Decision in this contested case. As the final decision-maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

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.

This the 27th day of January, 2015.


J. Randall May
Administrative Law Judge

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Filed
2014 NOV 21 PM 1:47

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 DOJ 07612

RORY DEAN FOUNTAIN,

Office of
Administrative Hearings

Petitioner,

v.

N.C. ALARM SYSTEMS
LICENSING BOARD,

Respondent.

PROPOSAL FOR DECISION

On October 28, 2014, Chief Administrative Law Judge Julian Mann, III called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an alarm installation registration permit based on Petitioner's lack of good moral character and temperate habits as evidenced by conviction of felony 1st Degree Rape in the State of Oregon.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. §§ 74D-2; 74D-6; 74D-8; 74D-10; 12 NCAC 11 .0300.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. § 74D-2, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the alarm systems installation business.
2. Petitioner applied to Respondent Board for an alarm installation registration permit.
3. Respondent denied the alarm installation registration permit due to Petitioner's criminal record which showed the following:

Conviction in Jackson County, State of Oregon, on November 11, 1991
for felony 1st Degree Rape.

4. Petitioner requested a hearing on Respondent's denial of the alarm installation registration permit.
5. By Notice of Hearing dated October 3, 2014, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his alarm installation registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on October 28, 2014. Petitioner appeared at the hearing.
6. Petitioner's Criminal History Record Check, which showed the above, was admitted into evidence as part of Respondent's Exhibit 1, Petitioner's application.
7. Petitioner testified that in 1991 he was 30 years old and living in Medford, Oregon. He lived with his girlfriend who was approximately five years older than him. They got into an argument because he was considering moving back to California to find work. His girlfriend had become angry because she felt he was not meeting his obligations to sustain their household because the bills were not getting paid. The argument became heated. Finally, he felt like the argument was over and they had sex.
8. Two days later, his girlfriend went to the police and said she had been raped. In her report she stated that he tried to hold her head to a hot plate and that he smacked her in the eye. She reported that during a scuffle, a window was broken with her body. Photos taken of his girlfriend revealed torn jeans and her eye was swollen.
9. A public defender was assigned to his case and recommended against going before a jury. The public defender advised him he could get 30 years or more if convicted. The lengthy prison sentence scared him so he took a plea deal where he pled guilty to rape and received a three (3) year prison sentence.
10. He testified there was no force and his girlfriend actually helped him during the act of sex.
11. He served 32 of the 36-month sentence in a minimum custody facility and paid the court-ordered restitution while incarcerated by working at an off-site pallet factory.
12. Upon his release, Petitioner moved to North Carolina to be near his parents.
13. The offense was 23 years ago. Petitioner now has an 11-year old son and has been in a stable live-in relationship with his child's mother for 12 years.
14. Petitioner has never been charged or convicted of any other deniable offense.
15. He has worked for MSS Fire & Security, LLC for 10 years installing fire alarms in commercial establishments.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. § 74D-6(3), Respondent Board may refuse to grant an alarm installation registration permit if it is determined that the applicant has demonstrated intemperate habits or lacks good moral character.
3. Under G.S. § 74D-6(2), Respondent Board may refuse to grant an alarm installation registration permit if it is determined that the applicant has been convicted of a crime involving violence.
4. Under G.S. §§ 74D-6(2) & 74D-10(a)(4), conviction of any crime involving violence is *prima facie* evidence that the applicant does not have good moral character or temperate habits.
5. Respondent Board presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through conviction in Jackson County, Oregon for 1st Degree Rape, a crime involving violence.
6. Petitioner presented sufficient evidence to explain the factual basis for the charges, established his character since the offense, and rebutted the presumption.

Based on the foregoing, the undersigned makes the following:

PROPOSAL FOR DECISION

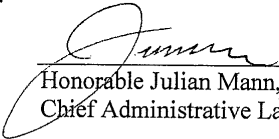
Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner be issued an alarm installation registration permit.

NOTICE AND ORDER

The N.C. Alarm Systems Licensing Board is the agency that will make the Final Decision in this contested case. As the final decision-maker, that agency is required to give each party any opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

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, NC 27699-6714

This the 21st day of November, 2014.



Honorable Julian Mann, III
Chief Administrative Law Judge

Filed

STATE OF NORTH CAROLINA

2015 JAN 23 PM 3:10

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

COUNTY OF WAKE

Office of
Administrative Hearings

14 DOJ 08383

JOHN LEE POWELL, SR.,

Petitioner,

v.

N.C. PRIVATE PROTECTIVE
SERVICES BOARD,

Respondent.

**PROPOSED
FINAL DECISION**

On December 16, 2014, Administrative Law Judge Donald Overby called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner was represented by attorney Abraham Penn Jones, Attorney at Law, P. O. Box 326, Raleigh, NC 27602.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied the renewal of his security guard and patrol business license based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction misdemeanor Sexual Battery and failure to report criminal charges, and this conviction, on his renewal application.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. §§ 74C-3(a)(6); 74C-8; 74C-9; 74C-11; 74C-12; 12 NCAC 7D § .0700.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

2. Petitioner applied to Respondent Board for renewal of his security guard and patrol business license.
3. Respondent denied the renewal of the security guard and patrol business license due to Petitioner's criminal record which showed the following:

A charge in Nash County, State of North Carolina, on June 1, 2012 for felony Attempted 2nd Degree Sexual Offense.

A charge on June 1, 2012, and later conviction in Nash County, North Carolina for misdemeanor Sexual Battery.
4. On the application for renewal of his license dated March 19, 2014 and received by the Board on March 28, 2014 (Respondent's Exhibit 1), Petitioner answered "no" to question 11 which asks: "Have you been charged, arrested, convicted or pled guilty to a criminal offense other than a minor traffic violation?" By signing the renewal application, Petitioner certified that all answers in his application were true and accurate. He also acknowledged that he was aware that any misrepresentation or falsification could result in denial.
5. Petitioner requested a hearing on Respondent's denial of the renewal of his license.
6. By Amended Notice of Hearing dated November 14, 2014 mailed to Petitioner in care of his attorney via U.S. Mail, Respondent advised Petitioner that a hearing on the denial of the renewal of the security guard and patrol business license would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on December 16, 2014. Petitioner appeared at the hearing, and was represented by legal counsel.
7. Anthony Bonapart, Deputy Director of Respondent Board, testified that a standard criminal history record check performed by the Board's staff as a part of the license renewal process revealed that Petitioner had been charged with both of the above offenses, and convicted of the misdemeanor Sexual Battery. He reported neither on his renewal application. Further, Petitioner was required to report the charges within 30 days; he did not do so in 2012.
8. Petitioner admitted that he failed to check "yes" to question 11 on his renewal application. He testified that although it was only two years prior, he had "forgotten," he "just filled it out like he always had for 20 years."
9. Petitioner first stated he was not aware he had 30 days to report any charge, arrest or conviction, but then testified he was going to wait to report the charges until he was actually convicted.

10. Petitioner claimed he forgot to report it on his renewal application because he was so depressed over the charges and conviction.
11. On cross-examination, Petitioner stated he was aware of questions 1 and 2 on the application for guard registrations that asks the same thing as question 11 on the business license renewal, and admitted he had not followed the law and rules of the Board as a licensee.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant the renewal of a business license if it is determined that the applicant has demonstrated intemperate habits or lacks good moral character.
3. Under G.S. §74C-8(d)(2), conviction of any crime involving an act of assault is *prima facie* evidence that the applicant does not have good moral character or temperate habits.
4. Respondent Board presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through conviction in Nash County, North Carolina for a misdemeanor Sexual Battery.
5. Petitioner presented insufficient evidence to explain the factual basis for the charge and failed to rebut the presumption. Petitioner's testimony was not credible.
6. Petitioner knowingly, willfully and inexcusably failed to report the charge of both offenses, and the conviction for one, on his renewal application.

Based on the foregoing, the undersigned makes the following:

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner's security guard and patrol license be suspended for a period of one (1) year and upon reinstatement, be place in a probationary status for a period of three (3) years.

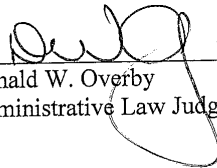
NOTICE AND ORDER

The NC Private Protective Services Board will make the Final Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present

oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the 28th day of January, 2015.



Donald W. Overby
Administrative Law Judge

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2/4/2015 9:48 AM

STATE OF NORTH CAROLINA
COUNTY OF WAKE

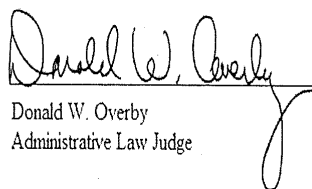
IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 DOJ 08383

JOHN LEE POWELL SR. V. N.C. PRIVATE PROTECTIVE SERVICES BOARD	PETITIONER RESPONDENT	ORDER AMENDING DECISION
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Pursuant to 26 NCAC 3.0129, for the purpose of correcting a clerical error, IT IS HEREBY ORDERED that the above-captioned Decision, issued from this Office on January 28, 2015 is amended as follows:

Proposed Final Decision is replaced with PROPOSAL FOR DECISION in the case caption.

This the 4th day of February, 2015.


Donald W. Overby
Administrative Law Judge

Filed

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 DOJ 08744

Office of
Administrative Hearings

JIMMY DARRELL HOLLAR,

Petitioner,

v.

N.C. PRIVATE PROTECTIVE
SERVICES BOARD,

Respondent.

**PROPOSED
FINAL DECISION**

On December 16, 2014, Administrative Law Judge Donald Overby called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an armed armored car guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor Weapon on Educational Property.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. §§ 74C-3(a)(6); 74C-8; 74C-9; 74C-11; 74C-12; 12 NCAC 7D .0700.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.
2. Petitioner applied to Respondent Board for an armed armored car guard registration.

3. Respondent denied the armed armored car guard registration due to Petitioner's criminal record which showed the following:

A conviction in Rowan County, North Carolina on September 6, 2011 for misdemeanor Weapon on Educational Property.
4. Petitioner requested a hearing on Respondent's denial of the armed armored car guard registration.
5. By Notice of Hearing dated November 10, 2014 and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of the armed armored car guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on December 16, 2014. Petitioner appeared at the hearing.
6. Petitioner testified that in 2011 his daughter was 17 years old and was dating an 18-year old man. He and his wife did not allow the young man to visit in their home. One day his daughter asked him to drive her to East Rowan High School to talk with her boyfriend. He reluctantly said "yes" and drove her to see her boyfriend.
7. While sitting in a parking lot on the campus of the school, a police officer came up to his car to ascertain their business on campus. It was the 4th of July and the school was closed. It was also about 10:00 to 10:45 p.m. As he was explaining to the officer why he was sitting in the parking lot, the officer spotted a .22 rifle lying on the back seat. Petitioner claimed he forgot the rifle was on the back seat and stated that the rifle was unloaded.
8. The officer confiscated the rifle and issued Petitioner a citation for having a Weapon on Educational Property. He retained an attorney and when he went to court he entered a guilty plea. The court sentenced him to 18 months supervised probation.
9. Since his conviction, Petitioner has received five (5) pistol purchase permits from the Sheriff of Rowan County. He is also an active member of his local volunteer fire department.
10. He submitted two (2) letters attesting to his good character; one from his pastor and a second from his counselor.
11. He has worked for Dunbar Armored, Inc. since June 2014, and was hired as an armored car driver.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.

2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant a registration if it is determined that the applicant has demonstrated intemperate habits or lacks good moral character.
3. Under G.S. §74C-8(d)(2), conviction of any crime involving the illegal use, carrying or possession of a weapon is *prima facie* evidence that the applicant does not have good moral character or temperate habits.
4. Respondent Board presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through conviction in Rowan County, North Carolina for a misdemeanor Weapon on Educational Property.
5. Petitioner presented sufficient evidence to explain the factual basis for the charge and has rebutted the presumption.

Based on the foregoing, the undersigned makes the following:

FINAL DECISION

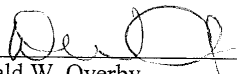
Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner be issued an armed armored car guard registration.

NOTICE AND ORDER

The NC Private Protective Services Board will make the Final Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the 28th day of January, 2015.



Donald W. Overby
Administrative Law Judge

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2/4/2015 10:08 AM

STATE OF NORTH CAROLINA
COUNTY OF WAKE

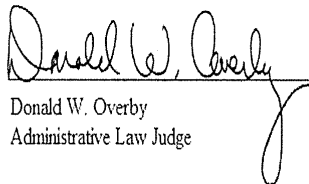
IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 DOJ 08744

JIMMY DARRELL HOLLAR PETITIONER V. N.C. PRIVATE PROTECTIVE SERVICES BOARD RESPONDENT	ORDER AMENDING DECISION
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Pursuant to 26 NCAC 3.0129, for the purpose of correcting a clerical error, IT IS HEREBY ORDERED that the above-captioned Decision, issued from this Office on January 28, 2015 is amended as follows:

Proposed Final Decision is amended to Proposal for Decision in the case caption.

This the 4th day of February, 2015.


Donald W. Overby
Administrative Law Judge