NORTH CAROLINA REGISTER

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September 15, 2022

I. EXECUTIVE ORDERS
Executive Order Nos. 266-268 ..... 430 – 439

II. IN ADDITION
North Carolina Rate Bureau – Public Notice 440

III. PROPOSED RULES
Insurance, Department of
Industrial Commission ..... 441 – 443
Justice, Department of
Criminal Justice Education and Training Standards Commission ..... 443 – 444
Environmental Quality, Department of
Environmental Management Commission ..... 444 – 448
Wildlife Resources Commission ..... 448 – 459

IV. EMERGENCY RULES
Department of Environmental Quality
Wildlife Resources Commission ..... 460 – 462

V. TEMPORARY RULES
Environmental Quality, Department of
Wildlife Resources Commission ..... 462 – 469

VI. RULES REVIEW COMMISSION ..... 470 – 495

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Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2022 – December 2022

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	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270th day from publication in the Register
36:13	01/03/22	12/08/21	01/18/22	03/04/22	03/21/22	04/21/2022	05/01/22	09/30/22
36:14	01/18/22	12/22/21	02/02/22	03/21/22	04/20/22	05/19/2022	06/01/22	10/15/22
36:15	02/01/22	01/10/22	02/16/22	04/04/22	04/20/22	05/19/2022	06/01/22	10/29/22
36:16	02/15/22	01/25/22	03/02/22	04/18/22	04/20/22	05/19/2022	06/01/22	11/12/22
36:17	03/01/22	02/08/22	03/16/22	05/02/22	05/20/22	06/16/2022	07/01/22	11/26/22
36:18	03/15/22	02/22/22	03/30/22	05/16/22	05/20/22	06/16/2022	07/01/22	12/10/22
36:19	04/01/22	03/11/22	04/16/22	05/31/22	06/20/22	07/21/2022	08/01/22	12/27/22
36:20	04/18/22	03/25/22	05/03/22	06/17/22	06/20/22	07/21/2022	08/01/22	01/13/23
36:21	05/02/22	04/08/22	05/17/22	07/01/22	07/20/22	08/18/2022	09/01/22	01/27/23
36:22	05/16/22	04/25/22	05/31/22	07/15/22	07/20/22	08/18/2022	09/01/22	02/10/23
36:23	06/01/22	05/10/22	06/16/22	08/01/22	08/22/22	09/15/2022	10/01/22	02/26/23
36:24	06/15/22	05/24/22	06/30/22	08/15/22	08/22/22	09/15/2022	10/01/22	03/12/23
37:01	07/01/22	06/10/22	07/16/22	08/30/22	09/20/22	10/20/2022	11/01/22	03/28/23
37:02	07/15/22	06/23/22	07/30/22	09/13/22	09/20/22	10/20/2022	11/01/22	04/11/23
37:03	08/01/22	07/11/22	08/16/22	09/30/22	10/20/22	11/17/2022	12/01/22	04/28/23
37:04	08/15/22	07/25/22	08/30/22	10/14/22	10/20/22	11/17/2022	12/01/22	05/12/23
37:05	09/01/22	08/11/22	09/16/22	10/31/22	11/21/22	12/15/2022	01/01/23	05/29/23
37:06	09/15/22	08/24/22	09/30/22	11/14/22	11/21/22	12/15/2022	01/01/23	06/12/23
37:07	10/03/22	09/12/22	10/18/22	12/02/22	12/20/22	01/19/2023	02/01/23	06/30/23
37:08	10/17/22	09/26/22	11/01/22	12/16/22	12/20/22	01/19/2023	02/01/23	07/14/23
37:09	11/01/22	10/11/22	11/16/22	01/03/23	01/20/23	02/16/2023	03/01/23	07/29/23
37:10	11/15/22	10/24/22	11/30/22	01/17/23	01/20/23	02/16/2023	03/01/23	08/12/23
37:11	12/01/22	11/07/22	12/16/22	01/30/23	02/20/23	03/16/2023	04/01/23	08/28/23
37:12	12/15/22	11/22/22	12/30/22	02/13/23	02/20/23	03/16/2023	04/01/23	09/11/23

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

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.

State of North Carolina

ROY COOPER
GOVERNOR

July 25, 2022

EXECUTIVE ORDER NO. 266

UPDATING THE NORTH CAROLINA UNIFORM FLOODPLAIN MANAGEMENT POLICY FOR STATE CONSTRUCTION

WHEREAS, the National Flood Insurance Program, incorporated at 42 U.S.C. § 4001 *et seq.*, authorizes the establishment of floodplain management regulations applicable to state-owned properties; and

WHEREAS, North Carolina's Uniform Floodplain Management Policy was established by Executive Order No. 31, issued by Governor James B. Hunt, Jr. in 1979, and was subsequently amended by Executive Order No. 123, 5 N.C. Reg. 724-736 (September 4, 1990), issued by Governor James G. Martin; and

WHEREAS, the Uniform Floodplain Management Policy provides for the sound management of state-owned properties as they relate to potential flood hazards; and

WHEREAS, the frequency and intensity of hurricanes and severe storms, riverine and estuarine flooding, saltwater intrusion and rising ground water have greatly increased since 1990; and

WHEREAS, avoiding new construction within the floodplain where feasible and adopting resilient development policies and construction practices where construction within the floodplain cannot be avoided will reduce loss of critical state infrastructure and services during a flooding event; prevent costly repairs of damage from floodwaters; minimize the impact of floods on human safety, health, and welfare; and restore and protect the natural and beneficial values served by floodplains; and

WHEREAS, floodplain maps based upon historic information do not always accurately reflect current flood risk or flood risk based upon future conditions, including climate change and sea level rise, and state projects should be planned with a holistic understanding of flood risk; and

WHEREAS, the 2020 North Carolina Climate Risk Assessment and Resilience Plan recommends that when state infrastructure components cannot feasibly be constructed outside the floodplain, the state evaluate the implication of increased risk associated with changes in climate patterns and adapt development policies and construction techniques to minimize the detrimental impacts related to increased levels of risk; and

WHEREAS, accordingly, the undersigned, in consultation with the North Carolina Department of Administration ("NCDOA"), has determined that the Uniform Floodplain Management Policy be updated to reflect current flood risks and projected flood risk, as well as contemporary standards; and

WHEREAS, this Executive Order directs NCDOA and other state agencies to update the Uniform Floodplain Management Policy within eighteen (18) months of this Executive Order; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

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

Section 1. North Carolina Uniform Floodplain Management Policy

NCDOA, in consultation with the North Carolina Department of the Environmental Quality ("NCDEQ"), the North Carolina Department of Transportation ("NCDOT"), and the North Carolina Department of Public Safety's Emergency Management Division ("NCEM") and the Office of Recovery and Resiliency ("NCORR"), and any other relevant state agencies, shall update the North Carolina Uniform Floodplain Management Policy ("Policy") within eighteen (18) months of this Executive Order. This updated Policy shall replace the current Policy when approved and signed by the Secretary of NCDOA.

The updated Policy shall be developed with public stakeholder input and designed to achieve the following objectives for state-owned construction: comprehensively assess and mitigate risks for state construction; minimize flood damage to state-owned assets, considering the impacts of sea level rise and climate change; and support natural hydrologic conditions and the beneficial services provided by natural infrastructure.

To help achieve these objectives, the updated Policy shall include a flood risk management review process and flood resilience standards for state construction. In particular, the updated Policy will address, but not be limited to, the following topics:

a. Establish processes and criteria for determining whether a proposed state construction project is subject to the Policy;

b. Establish a process for determining whether construction is proposed in a floodplain or other area with flood risk, including coastal or inland flood risk, and the degree of risk presented;

c. Implement measures to reduce construction in a floodplain to the greatest extent feasible;

d. Set reasonably protective and cost-effective flood resilience standards for proposed construction within and outside of a floodplain, based upon flood risk over the lifetime of the construction; and

e. Provide standards, options, and considerations for including nature-based infrastructure to reduce flood risk.

Section 2. State-Funded Construction

NCDOA, in consultation with NCDEQ, NCDOT, NCEM, NCORR, and other relevant state agencies and stakeholders, shall analyze the effect of expanding the requirements of the Policy beyond state-owned construction to also include state-funded construction. This analysis shall evaluate the legal, financial, environmental, and regulatory implications of such an expansion. The analysis also shall address the financial impact to the state of not applying the Policy to state-funded construction, including losses reasonably anticipated due to flooding. NCDOA shall publish the analysis within eighteen (18) months of this Executive Order. Additionally, NCDOA shall include provisions in the updated Policy that expand the Policy to state-funded construction to the extent feasible and permitted by law.

Section 3. Effect and Duration

This Executive Order is effective immediately and shall remain in effect unless rescinded or replaced with a superseding Executive Order. Upon approval and signature by the Secretary of NCDOA, the Policy will replace in its entirety and supersede the policy adopted in Executive Order No. 123. Effective on the date of the signed updated Policy, Executive Order No. 123 is rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25th day of 2022 in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

State of North Carolina

ROY COOPER
GOVERNOR

August 15, 2022

EXECUTIVE ORDER NO. 267

TERMINATION OF THE COVID-19 STATE OF EMERGENCY

WHEREAS, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, 209-212, 215-217, 219-221, 224-225, 228-232, 234, 236, 238-240, 244-245, 252-253, 256-257, 261, and 265; and

WHEREAS, throughout the course of the unprecedented COVID-19 pandemic, the undersigned took a science and data-driven approach to implementing public health measures to curb the spread of the virus, protect public health, and advance the state's economy in a safe and effective way, which is in the best interest of all North Carolinians; and

WHEREAS, the COVID-19 pandemic led to extraordinary levels of work, cooperation, and coordination among state government agencies in the interest of protecting public health and welfare; and

WHEREAS, executive orders issued under the State of Emergency protected public health and enabled health care facilities and providers to respond most effectively to the COVID-19 pandemic, helping save lives during the course of the pandemic; and

WHEREAS, executive orders issued under the State of Emergency provided the North Carolina Department of Health and Human Services ("NCDHHS") flexibility to waive certain regulations in order to address health care facility and provider needs in the response to the COVID-19 pandemic; and

WHEREAS, NCDHHS requested statutory authority to waive those regulations without need for further executive orders, which was provided in N.C. Sess. Laws 2022-74, enacted July 11, 2022; and

WHEREAS, with vaccines, treatments, and other tools to combat COVID-19 widely available, and with legislation now providing the flexibility for NCDHHS and North Carolina's health care providers to respond to COVID-19, the undersigned, in consultation with the North Carolina Department of Public Safety and NCDHHS, has determined that the State of Emergency may be terminated at the end of the day on August 15, 2022; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, pursuant to N.C. Gen. Stat. § 166A, which authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.20(c), a State of Emergency declared pursuant to that section shall expire when rescinded by the authority that issued it.

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

Section 1. Termination of the COVID-19 State of Emergency.

Pursuant to N.C. Gen. Stat. § 166A-19.20(c), the State of Emergency that was declared by Executive Order No. 116 on March 10, 2020, is hereby rescinded effective as of the end of the day on August 15, 2022. All other provisions of Executive Order No. 116, and all other Executive Orders conditioned upon the State of Emergency declared in Executive Order No. 116 are also rescinded as of that date and time.

Section 2. Effective Date.

This Executive Order is effective at the end of the day on August 15, 2022.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 15th day of August in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

State of North Carolina

ROY COOPER
GOVERNOR

August 17, 2022

EXECUTIVE ORDER NO. 268

REESTABLISHING THE ANDREA HARRIS EQUITY TASK FORCE

WHEREAS, the undersigned issued Exec. Order No. 143, 35 N.C. Reg. 10-19 (July 1, 2020), establishing the Andrea Harris Social, Economic, Environmental, and Health Equity Task Force ("Task Force") on June 4, 2020; and

WHEREAS, the undersigned charged the Task Force with the mission of creating economic stability, eliminating health disparities, and achieving environmental justice in North Carolina by convening testimony, identifying best practices, and reporting this information to the Office of the Governor; and

WHEREAS, the Task Force established twenty-one (21) equity recommendations to advance its mission, nine (9) of which have been fully implemented and twelve (12) of which are in progress through the work of Task Force subcommittees and state agencies; and

WHEREAS, the Task Force addressed inequities in access to health care for underserved communities by successfully advocating for additional funding and increased investments in rural community health settings, providing digital literacy training, and assisting in the distribution of COVID-19 vaccinations and testing to vulnerable communities; and

WHEREAS, the Task Force addressed inequities in economic and business development in partnership with the North Carolina Department of Administration by implementing a two-tier corporate subcontracting plan directed toward supporting historically underutilized businesses ("HUBs") and the Historically Underutilized Business Program; and

WHEREAS, the Task Force addressed inequities in educational opportunities by encouraging and partnering with state agencies and community partners to adopt a digital literacy curriculum that is accessible to all students and parents in their native languages; and

WHEREAS, the Task Force addressed inequities in environmental justice and inclusion by supporting the creation or identification of environmental justice, equity, and inclusion positions at the North Carolina Departments of Commerce, Natural and Cultural Resources, Public Safety, and Transportation while encouraging other agencies with state decision-making authority to create similar positions; and

WHEREAS, the Task Force addressed inequities in patient engagement by successfully advocating for increased funding to strengthen the capacity of federally-qualified health care centers and increasing the number of undocumented, low-income, and other vulnerable patient populations receiving services; and

WHEREAS, the North Carolina Department of Information Technology established a first in the nation Office of Digital Equity and Literacy, which is expanding digital literacy offerings and partnerships across the state; and

WHEREAS, the undersigned issued Exec. Order No. 246, 36 N.C. Reg. 1287-1291 (February 1, 2022), which emphasized the importance of environmental justice and equity in the state's transition to a clean energy economy and meaningful public engagement in state agency decision-making; and

WHEREAS, the overall well-being and management of underlying health conditions is crucial for high-risk communities and the Centers for Disease Control and Prevention ("CDC") acknowledges that social and economic differences often create health differences in communities of color and that public health emergencies can isolate communities of color from necessary resources; and

WHEREAS, social determinants of health influence all aspects of human life, and to improve health or eliminate health disparities there must be a greater focus on all social determinants of health by the medical community in the state; and

WHEREAS, HUBs account for fifty-eight (58) percent of North Carolina's small business community; and

WHEREAS, the Task Force continues to advocate for the recommendations that require legislative action and action by entities outside of the Governor's jurisdiction; and

WHEREAS, a restructured Task Force will advance the work to implement current recommendations, address long-standing inequities, and continue implementing Andrea Harris' legacy through business and community development, advancing equity, and improving societal outcomes for historically marginalized populations; and

WHEREAS, Section 1 of Executive Order No. 143, which established the Task Force, expired on June 4, 2022; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

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

Section 1. The Andrea Harris Equity Task Force

A. Establishment and Mission

The Andrea Harris Social, Economic, Environmental, and Health Equity Task Force is hereby reestablished as the Andrea Harris Equity Task Force. The mission of the Andrea Harris Equity Task Force is to identify best practices and advise state government on actions that will further the economic development of disadvantaged communities, improve health and wellness outcomes in underserved communities, and advance equitable practices within state agencies that are inclusive of the lived experience of all North Carolinians.

B. Duties

1. The Andrea Harris Equity Task Force shall:

    a. Review recommendations identified in the Andrea Harris Social, Economic, Environmental, and Health Equity Task Force December 2020 Biannual Report and identify next steps to advance progress in the following focus areas:

i. Furthering the economic development of disadvantaged communities.

1. Discuss strategies to provide economic incentives to encourage participation with HUBs, Disadvantaged Business Enterprises (DBEs), Small Business Enterprises (SBEs), and Historically Underutilized Providers (HUPs);
2. Promote mentorship opportunities to diverse businesses and leverage partnerships with North Carolina Historically Black Colleges and Universities and Minority-Serving Institutions to develop executive education programs available to minority-owned businesses doing business in the state; and
3. Identify and promote education pipeline programs for students of color and students from disadvantaged communities.

ii. Improving health and wellness outcomes in underserved communities.

1. Assess existing opportunities for patients to utilize telehealth services and identify gaps in access to medical services; and
2. Advocate for adequate, sustainable financial resources for digital and health education, partnering with state agencies and other groups that share similar goals to increase broadband access and address digital, financial, and health literacy.

iii. Advancing equitable practices within state agencies that are inclusive of the lived experience of all North Carolinians.

1. Serve as a forum for equity matters by engaging state agencies' diversity, equity, and inclusion and public engagement leadership to seek input from community stakeholders and foster stronger relationships between state government and the people of North Carolina.

b. Identify additional recommendations related to the economic development of disadvantaged communities, improved health and wellness outcomes in underserved communities, and advancement of equitable practices within state agencies that are inclusive of the lived experience of all North Carolinians.

c. Expand awareness of and access to state agency initiatives that align with the Andrea Harris Equity Task Force's mission and recommendations.

i. The Andrea Harris Equity Task Force shall collaborate with agency stakeholders to promote agency initiatives and utilize community organization member expertise to inform agency initiatives that align with the Andrea Harris Equity Task Force.
ii. Andrea Harris Equity Task Force community organization members shall provide community insight to the Andrea Harris Equity Task Force and promote state initiatives within their local community organizations by distributing information throughout their networks with a focus on historically underserved groups.

d. Provide advice on any other matters the Governor refers to the Andrea Harris Equity Task Force.

2. The Andrea Harris Equity Task Force shall advance these goals through community engagement and promotion of corporate citizenship values that align the Andrea Harris Equity Task Force mission with North Carolina businesses and organizations.

3. The Andrea Harris Equity Task Force shall provide status reports on the progress and recommendations made in the focus areas determined by Section 1 of this Executive Order to the Office of the Governor on June 1, 2023, and December 15, 2023.

C. Membership

1. The Andrea Harris Equity Task Force shall be comprised of a minimum of fifteen (15) members appointed by the Governor.

2. The Governor shall designate the Chair of the Andrea Harris Equity Task Force.

3. The Andrea Harris Equity Task Force shall represent, to the extent possible, all demographics of North Carolina, and shall include the following members:

   a. Secretary of the North Carolina Department of Administration;
   b. Chief Diversity, Equity and Inclusion Officer of the North Carolina Department of Commerce or designee;
   c. Director of the North Carolina Department of Information Technology, Office of Digital Equity and Literacy or designee;
   d. Chief Health Equity Officer of the North Carolina Department of Health and Human Services or designee;
   e. Executive Director of the North Carolina Pandemic Recovery Office or designee;
   f. Director of the North Carolina Department of Transportation, Office of Civil Rights or designee;
   g. Director of the North Carolina Department of Transportation, Office of Historically Black Colleges and Universities Outreach or designee;
   h. Member of Hometown Strong;
   i. Member of the Commission on Indian Affairs;
   j. Member of the Governor's Advisory Council on Hispanic-Latino Affairs;
   k. Member of North Carolina Council for Women Advisory Board;
   l. Member of the Historically Underutilized Business Advisory Council;
   m. Member of the Commission on Inclusion;
   n. Representative from the North Carolina Community College System or UNC System Office;
   o. Representative from a North Carolina Historically Black College or University or a Minority Serving Institution;
   p. Representatives from four (4) community organizations aligned with the mission of the Andrea Harris Equity Task Force; and
   q. Other appropriate experts from the focus areas listed above.

4. The Governor may appoint additional members to the Andrea Harris Equity Task Force.

5. All members shall serve at the pleasure of the Governor.

D. Meetings and Quorum

This Andrea Harris Equity Task Force shall meet at least quarterly. A simple majority of Andrea Harris Equity Task Force members shall constitute a quorum to transact business.

E. Administration

1. The Andrea Harris Equity Task Force may create working groups.

2. The North Carolina Department of Administration shall provide necessary administrative and staff support services to the Andrea Harris Equity Task Force.

3. The following agencies shall provide a staff liaison to support the Andrea Harris Equity Task Force and provide updates on agency initiatives that align with the

recommendations of the Andrea Harris Equity Task Force. These liaisons will work with the North Carolina Department of Administration to advance the goals and duties of the Andrea Harris Equity Task Force.

a. North Carolina Department of Administration;
b. North Carolina Department of Commerce;
c. North Carolina Department of Environmental Quality;
d. North Carolina Department of Health and Human Services;
e. North Carolina Department of Information Technology;
f. North Carolina Department of Natural and Cultural Resources;
g. North Carolina Department of Transportation;
h. North Carolina Office of State Budget and Management; and
i. North Carolina Office of the Governor.

4. The Andrea Harris Equity Task Force shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations. The Andrea Harris Equity Task Force may continue holding meetings utilizing video conferencing tools approved by the North Carolina Department of Information Technology.

Section 2. No Private Right of Action

This Executive Order is not intended to create, and does not create, an individual right, privilege or benefit, whether substantive or procedural, enforceable in law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any other officers, employees, or agents thereof.

Section 3. Effective Date

This Executive Order is effective immediately and shall remain in effect until December 31, 2023 pursuant to N.C. Gen. Stat. § 147-16.2, unless rescinded or superseded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 17th day of August in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

NORTH CAROLINA RATE BUREAU

PUBLIC NOTICE

Notice is hereby given pursuant to North Carolina General Statute 58-36-120 that, on August 18, 2022, the North Carolina Rate Bureau filed for an increase in insurance rates for Dwelling Fire and Dwelling Extended Coverage under its jurisdiction. Public notice of the filings is being published in two newspapers with statewide distribution and in the North Carolina Register. The Commissioner of Insurance may or may not schedule and conduct a hearing with respect to the filing. This information is being posted on the web sites of the North Carolina Rate Bureau and the North Carolina Department of Insurance. The filing only relates to Dwelling insurance policies under the jurisdiction of the North Carolina Rate Bureau and does not affect Homeowners insurance policies or Mobile Homeowners insurance policies.

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 11 – DEPARTMENT OF INSURANCE

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Industrial Commission intends to amend the rule cited as 11 NCAC 23G .0104.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ic.nc.gov/proposedpermG104.html*

Proposed Effective Date: *January 1, 2023*

Public Hearing:
Date: *October 17, 2022*
Time: *2:00 p.m.*
Location: *Room 2115 (Utilities Commission Hearing Room), 2nd floor Dobbs Building, 430 N. Salisbury St., Raleigh NC 27603*

Reason for Proposed Action: *This proposed rule amendment is necessitated by an anticipated change to the Rules for Mediated Settlement Conferences and other Settlement Procedures in Superior Court Civil Actions with regard to how the attendance method is determined in Superior Court mediations. Paragraph (b) of 11 NCAC 23G .0104, in its current form, is premised on the assumption that the approved method of attendance in the Superior Court division will be either presumptively in-person or presumptively remote. However, the anticipated change to the mediation rules for Superior Court cases will create a framework for determining mediation attendance that allows the parties and mediator to agree on one of three methods of attendance (in-person, remote, or hybrid) in each case and does not presumptively require either in-person attendance or remote attendance as the default method of attendance in all Superior Court mediations. Since G.S. §97-80(c) mandates that the Industrial Commission's mediation rules shall be "substantially similar" to the rules approved by the North Carolina Supreme Court for use in the Superior Court division, and in order to avoid confusion on the part of the regulated public regarding how to interpret Paragraph (b) of Rule 11 NCAC 23G .0104 following the anticipated amendment to the Rules for Mediated Settlement Conferences and other Settlement Procedures in Superior Court Civil Actions, it is necessary for the Industrial Commission to amend its rule as proposed. The proposed rule amendment will provide clarity to the regulated public and will better align the Industrial Commission's mediation rule with the Superior Court mediation rule.*

Comments may be submitted to: *Gina Cammarano, 1240 Mail Service Center, Raleigh, NC 27699-1240; phone (919) 807-2524; email gina.cammarano@ic.nc.gov (Emailing written comments to Gina Cammarano is strongly suggested and preferred.)*

Comment period ends: *November 14, 2022*

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 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

CHAPTER 23 - INDUSTRIAL COMMISSION

SUBCHAPTER 23G – NORTH CAROLINA INDUSTRIAL COMMISSION RULES FOR MEDIATED SETTLEMENT AND NEUTRAL EVALUATION CONFERENCES

SECTION .0100 – MEDIATION AND SETTLEMENT

11 NCAC 23G .0104 DUTIES OF PARTIES, REPRESENTATIVES, AND ATTORNEYS

(a) Attendance. The following persons shall attend the mediated settlement conference:

(1) all individual parties;
(2) in a workers' compensation case, a representative of the employer at the time of injury if:
  (A) the employer, instead of or in addition to the insurance company or administrator, has decision-making authority with respect to settlement;
  (B) the employer is offering the claimant employment and the suitability of that employment is in issue;
  (C) the employer and the claimant have agreed to simultaneously mediate non-compensation issues arising from the injury; or

(D) the Commission orders the employer representative to attend the conference if the representative's attendance is necessary to resolve matters in dispute in the subject action;

(3) an officer, employee, or agent of any party that is not a natural person or a governmental entity who is not the party's outside counsel and who has the authority to decide on behalf of the party whether and on what terms to settle the action;

(4) in a workers' compensation case, an employee or agent of any party that is a governmental entity who is not the party's outside counsel or Attorney General's counsel responsible for the case and who has the authority to decide on behalf of the party and on what terms to settle the action;

(5) when the governing law prescribes that the terms of a proposed settlement may be approved only by a Board, an employee or agent who is not the party's outside counsel or Attorney General's counsel responsible for the case and who has the authority to negotiate on behalf of and to make a recommendation to the Board. Pursuant to G.S. 143-295, an employee or agent of the named governmental entity or agency is not required to attend the mediated settlement conference. The Attorney General shall attempt to make an employee or agent of the named governmental entity or agency in a State tort claim available via telecommunication, and mediation shall not be delayed due to the absence or unavailability of the employee or agent of the named governmental entity or agency;

(6) the counsels of record. Appearance by counsel does not dispense with or waive the required attendance of the parties listed in Subparagraphs (1) through (4);

(7) a representative of each defendant's primary workers' compensation or liability insurance carrier or self-insured that may be obligated to pay all or part of any claim presented in the action. Each carrier or self-insured shall be represented at the conference by an officer, employee, or agent who is not the party's outside counsel and who has the authority to decide on behalf of the carrier or self-insured whether and on what terms to settle the action, or who has been authorized to negotiate on behalf of the carrier or self-insured and can communicate during the conference with persons who have the decision making authority; and

(8) by order of the Commission, other representatives of parties, employers, or carriers, who may be obligated to pay all or part of any claim presented in the action and who are not required to attend the conference pursuant to Subparagraphs (1) through (6) of this Paragraph, if the Commission determines that the representative's attendance is necessary for purposes of resolving the matters in dispute in the subject action. Any employer or carrier who may be obligated to pay all or part of any claim presented in the action and who is not required to attend the mediated settlement conference pursuant to Subparagraphs (1) through (6) of this Paragraph or by Commission orders, may attend the conference if the employer or carrier elects to attend. If, during the conference, the mediator determines that the attendance of one or more additional persons is necessary to resolve the matters in dispute in the subject action, the mediator may recess the conference and reconvene the conference at a later date and time to allow the additional person or persons to attend.

(b) Any party or person required to attend a mediated settlement conference shall attend the conference until an agreement is reduced to writing and signed as provided in Paragraph (e) of this Rule, or until an impasse has been declared. ~~"Attendance" shall mean in-person attendance whenever the mediation rules approved by the North Carolina Supreme Court that are in effect at the time of the mediation for use in the Superior Court division require in-person attendance. During any time that attendance means in-person attendance, any party or person, including the mediator, may have the in-person attendance requirement excused or modified by agreement of all the parties and persons required to attend the mediation conference, including the mediator, or by order of the Commission in the interests of justice upon motion of a party and notice to all parties and persons required to attend the conference, including the mediator. "Attendance" shall mean attendance using remote technology whenever the mediation rules approved by the North Carolina Supreme Court that are in effect at the time of the mediation for use in the Superior Court division require attendance through the use of remote technology. During any time that attendance means attendance through the use of remote technology, any party or person required to attend the conference, including the mediator, may have the remote technology attendance requirement excused or modified by agreement of all parties and persons required to attend the conference, including the mediator, or by order of the Commission in the interests of justice upon motion of a party and notice to all parties and persons required to attend the conference, including the mediator.~~ The attendance method for Industrial Commission mediations shall be the same as the attendance method set forth in the mediation rules approved by the North Carolina Supreme Court that are in effect at the time of the mediation for use in the Superior Court division. All parties and persons required to attend the conference, including the mediator, shall comply with all public health and safety requirements set forth in the mediation rules approved by the North Carolina Supreme Court that are in effect at the time of the mediation for use in the Superior Court division.

(c) In appropriate cases, the Commission or the mediator, with the consent of the parties, may allow a party or insurance carrier representative who is required to attend a mediated settlement

conference in person under this Rule to attend the conference by telephone, conference call, speaker telephone, or videoconferencing; the attending party or representative shall bear all costs of the telephone calls or videoconferencing. In addition, the mediator may communicate directly with the insurance representative with regard to matters discussed in mediation, and the mediator may set a subsequent mediated settlement conference at which all parties and representatives shall attend the mediated settlement conference in person, subject to Paragraph (b) of this Rule. The failure to appear by telephone or videoconferencing in accordance with this Paragraph shall subject the responsible party(ies) or representative(s) to sanctions pursuant to Rule .0105 of this Subchapter.

(d) Notice of Mediation Order. Within seven days after the receipt of an order for a mediated settlement conference, the carrier or self-insured named in the order shall provide a copy of the order to the employer and all other carriers who may be obligated to pay all or part of any claim presented in the workers' compensation case or any related third-party tortfeasor claims, and shall provide the mediator and the other parties in the action with the name, address, and telephone number of all such carriers.

(e) Finalizing Agreement. If an agreement is reached in the mediated settlement conference, the parties shall reduce the agreement to writing, specifying all terms of the agreement that bear on the resolution of the dispute before the Commission, and shall sign the agreement along with their counsel. The parties may use IC Form MSC8, Mediated Settlement Agreement, or MSC9, Mediated Settlement Agreement – Alternative Form, for this purpose. Execution by counsel of a mediated settlement agreement for an employer or carrier who does not physically attend the mediated settlement conference shall be deemed to be in compliance with this Rule and 11 NCAC 23A .0502. By stipulation of the parties and at the parties' expense, the agreement may be electronically or stenographically recorded. All agreements for payment of compensation shall be submitted for Commission approval in accordance with 11 NCAC 23A .0501 and .0502.

(f) Payment of Mediator's Fee. The mediator's fee shall be paid at the conclusion of the mediated settlement conference, unless otherwise provided by Rule .0107 of this Subchapter, or by agreement with the mediator.

(g) Related Cases. Upon application by any party or person and upon notice to all parties, the Commission may, in the interests of justice, order an attorney of record, party, or representative of an insurance carrier who may be liable for all or any part of a claim pending in a Commission case to attend a mediated settlement conference convened in another pending case, regardless of the forum in which the other case may be pending, provided that all parties in the other pending case consent to the attendance ordered pursuant to this Paragraph. Any disputed issues concerning such an order shall be addressed to the Commission's Dispute Resolution Coordinator. Unless otherwise ordered, any attorney, party, or carrier representative who attends a mediated settlement conference pursuant to this Paragraph shall not be required to pay any of the mediation fees or costs related to that conference. Requests that a party, attorney of record, or insurance carrier representative in a related case attend a mediated settlement conference in a Commission case shall be addressed to the court or agency where the related case is pending, provided that all parties in the Commission case consent to the requested attendance.

Authority G.S. 97-80; 143-296; 143-300; Rule 4 of Rules for Mediated Settlement Conferences and Other Settlement Procedures in Superior Court Civil Actions.

TITLE 12 – DEPARTMENT OF JUSTICE

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rule cited as 12 NCAC 09E .0107.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/*

Proposed Effective Date: *May 1, 2023*

Public Hearing:
Date: *February 22, 2023*
Time: *10:00 a.m.*
Location: *Wake Technical Community College, Public Safety Training Center, 321 Chapanoke Road, Raleigh, NC 27502*

Reason for Proposed Action: *To allow law enforcement agencies the ability to bring those officers who did not complete the required firearms qualification as part of their mandatory in-service training for a given year by the end of the year, back into compliance, without delay.*

Comments may be submitted to: *Michelle Schilling, NC Department of Justice, Criminal Justice Standards Division, PO Drawer 149, Raleigh, NC 27602-0149*

Comment period ends: *February 22, 2023*

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 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**

☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING

(a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule and the higher standard of the employing agency for continued employment. Prior to transfer to another agency, the officer shall meet the requirements of this Rule and the requirements of the subsequent agency, if the subsequent agency requires a higher standard for annual in-service firearms training than those required in 12 NCAC 09E .0105(1) and .0106.

(b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training' that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is located on the Commission's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2.

(c) The Division shall rescind any suspension indicated in Paragraph (b) of this Rule upon receipt from an agency representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the in-service firearms training and qualification pursuant to 12 NCAC 09E .0106(a) and (b). Form F-9C is located on the Commission's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2.

~~(c)~~(d) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement Training" course to complete the ~~firearms training topic.~~ training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such enrollment and successful completion must occur within the calendar year of the suspension of law enforcement officer certification.

~~(d) Such enrollment and successful completion must occur within the 12 month period following suspension of law enforcement officer certification.~~

(e) Failure to enroll and successfully complete the ~~firearms~~ training ~~topic in a "Basic Law Enforcement Training" course~~ pursuant to 12 NCAC 09B .0205(b)(5)(B) within the ~~prescribed 12 month period~~ calendar year of the suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

~~(f) No officer suspended under Paragraph (b) of this Rule may work as a certified law enforcement officer until:~~

~~(1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has successfully completed the firearms training topic during a limited enrollment in a Basic Law Enforcement Training Course within the 12 month period following suspension of law enforcement officer certification, and has successfully qualified with a duty weapon as required in 12 NCAC 09E .0106(a) and (b).~~

~~(2) the department head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.~~

Authority G.S. 17C-6; 17C-10.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02B .0315.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://deq.nc.gov/news/events/public-notices-hearings*

Proposed Effective Date: *May 1, 2023*

Public Hearing:
Date: *November 3, 2022*
Time: *6:00 p.m.*
Location: *Durham Tech-Northern Durham Center, 2401 Snow Hill Road, Building 1-Room 130, Durham, NC 27712*

Reason for Proposed Action: *Proposed Reclassification of Teer Quarry and a Portion of Eno River in Durham County (Neuse River Basin) to Class WS-IV CA (Critical Area)*
The City of Durham has requested the reclassification of (Nello) Teer quarry and a segment of the Eno River in Durham County (Neuse River Basin). The quarry and Eno River segment are to be reclassified from WS-IV (Protected Area or PA) to WS-IV Critical (CA) because the City of Durham seeks to construct a new intake in the river, pump water from the riverine intake to the quarry, and utilize the quarry's waters as a public water supply. Water in the quarry will be used to help meet local water demands.
Teer quarry is located adjacent to the southern side of the Eno River, approximately five miles west of Falls Lake, and at the northern terminus of Denfield Street in Durham, NC. The proposed riverine intake is located about 1.1 miles downstream of the U.S. 501 bridge. The boundary for the proposed CA for the quarry consists of the top of the quarry's berm whereas the boundary for the proposed CA for the new intake would extend approximately 0.5 mile from and draining to that intake. There are no named tributaries to the river or quarry included in this

proposal. The waters to be reclassified meet surface water supply water quality standards according to 2021 DWR studies.
Sampling of groundwater wells adjacent to the quarry has revealed the presence of contaminants from releases of petroleum hydrocarbons and chlorinated solvents associated with historical uses of the area. The levels of various contaminants including 1,4-dioxane have been found to exceed associated groundwater (2L) standards. The consulting firm (ELMSS) that has conducted the most recent groundwater sampling in the area found that groundwater flow in the depth zones where these levels were detected is toward the quarry. DWR concurs with the consulting firm's recommendation of continued annual monitoring in the area and increased surface water monitoring to confirm that impacts from groundwater are not affecting the quarry's surface water.
If reclassified, restrictions associated with new development and new industrial process wastewater discharges would apply, and no new landfills and no new residual or septage land application sites would be allowed in the proposed CAs. There are no permitted or planned wastewater discharges, and no known planned land applications sites, landfills, or developments that would be impacted by the proposal. The subject watershed consists mainly of developed single-family residential areas plus two developed industrial parcels.
DWR staff worked with the NC Wildlife Resources Commission (WRC) and City of Durham staff to come to an agreement in 2019 regarding the conditions pertaining to water quantity by which the City of Durham would be allowed to (1) withdraw water for water supply purposes from the Eno River as well as Lake Michie and Little River Reservoir and transfer those waters into the Teer quarry, and (2) use water in the Teer quarry for water supply. In addition, Durham County and the City of Durham are the only local governments with jurisdiction in the reclassification area and are the only local governments that would need to modify their water supply watershed protection ordinance within the required 270 days after the reclassification effective date. Furthermore, letters of no objection were received from the parties that are subject to the Voluntary Eno River Capacity Use Area Water Management Operations Plan (WMOP) along with the City of Durham, which are the Town of Hillsborough (Hillsborough Water System), Orange-Alamance Water System, and Resco Products (formerly Piedmont Minerals). Lastly, a regulatory impact analysis for this proposal, which has been approved by OSBM, shows a one-time cost of $2,000 to the state associated with notification, review, and approval of ordinance changes. The analysis also shows a one-time shared cost of $8,000 to the City of Durham and Durham County affiliated with rezoning and ordinance text amendments.

Comments may be submitted to: *Elizabeth Kountis, DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; email Elizabeth.kountis@ncdenr.gov*

Comment period ends: *November 14, 2022*

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 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☒ **State funds affected**
☒ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

15A NCAC 02B .0315 NEUSE RIVER BASIN

(a) Classifications assigned to the waters within the Neuse River Basin are set forth in the Neuse River Basin Classification Schedule, which may be inspected at the following places:

(1) the Internet at https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification; and
(2) the following offices of the North Carolina Department of Environmental Quality:
  (A) Raleigh Regional Office
  3800 Barrett Drive
  Raleigh, North Carolina;
  (B) Washington Regional Office
  943 Washington Square Mall
  Washington, North Carolina;
  (C) Wilmington Regional Office
  127 Cardinal Drive Extension
  Wilmington, North Carolina; and
  (D) Division of Water Resources
  Central Office
  512 North Salisbury Street
  Raleigh, North Carolina.

(b) The Neuse River Basin Classification Schedule was amended effective:

(1) March 1, 1977 see Paragraph (c) of this Rule;
(2) December 13, 1979 see Paragraph (d) of this Rule;
(3) September 14, 1980 see Paragraph (e) of this Rule;

(4) August 9, 1981 see Paragraph (f) of this Rule;
(5) January 1, 1982 see Paragraph (g) of this Rule;
(6) April 1, 1982 see Paragraph (h) of this Rule;
(7) December 1, 1983 see Paragraph (i) of this Rule;
(8) January 1, 1985 see Paragraph (j) of this Rule;
(9) August 1, 1985 see Paragraph (k) of this Rule;
(10) February 1, 1986 see Paragraph (l) of this Rule;
(11) May 1, 1988 see Paragraph (m) of this Rule;
(12) July 1, 1988 see Paragraph (n) of this Rule;
(13) October 1, 1988 see Paragraph (o) of this Rule;
(14) January 1, 1990 see Paragraph (p) of this Rule;
(15) August 1, 1990;
(16) December 1, 1990 see Paragraph (q) of this Rule;
(17) July 1, 1991 see Paragraph (r) of this Rule;
(18) August 3, 1992;
(19) April 1, 1994 see Paragraph (t) of this Rule;
(20) July 1, 1996 see Paragraph (u) of this Rule;
(21) September 1, 1996 see Paragraph (v) of this Rule;
(22) April 1, 1997 see Paragraph (w) of this Rule;
(23) August 1, 1998 see Paragraph (x) of this Rule;
(24) August 1, 2002 see Paragraph (y) of this Rule;
(25) July 1, 2004 see Paragraph (z) of this Rule;
(26) November 1, 2007see Paragraph (aa) of this Rule;
(27) January 15, 2011 see Paragraph (bb) of this Rule; ~~and~~
(28) July 1, 2012 see Paragraph (cc) of this ~~Rule;~~ Rule; and
(29) May 1, 2023 see Paragraph (dd) of this Rule.

(c) The Neuse River Basin Classification Schedule was amended effective March 1, 1977 with the a total of 179 streams in the Neuse River Basin reclassified from Class D to Class C.

(d) The Neuse River Basin Classification Schedule was amended effective December 13, 1979 as follows: Little River [Index No. 27-57-(21.5)] from source to the dam at Wake Forest Reservoir has been reclassified from Class A-II to Class A-II and B.

(e) The Neuse River Basin Classification Schedule was amended effective September 14, 1980 as follows: The Eno River from Durham County State Road 1003 to U.S Highway 501 [Index No. 27-2-(16)] was reclassified from Class C and B to Class A-II and B.

(f) The Neuse River Basin Classification Schedule was amended effective August 9, 1981 to remove the swamp water designation from all waters designated SA in the Neuse River Basin.

(g) The Neuse River Basin Classification Schedule was amended effective January 1, 1982 as follows: The Trent River from the mouth of Brice Creek to the Neuse River [Index No. 27-101-(39)] was reclassified from Class SC Sw to Class SB Sw.

(h) The Neuse River Basin Classification Schedule was amended effective April 1, 1982 as follows:

(1) Longview Branch from source to Crabtree Creek [Index No. 27-33-(21)] was reclassified from Class C1 to Class C.
(2) Watson Branch from source to Walnut Creek [Index No. 27-34-(8)] was reclassified from Class C1 to Class C.

(i) The Neuse River Basin Classification Schedule was amended effective December 1, 1983 to add the Nutrient Sensitive Waters classification to the entire river basin above Falls dam.

(j) The Neuse River Basin Classification Schedule was amended effective January 1, 1985 as follows: Nobel Canal from source to Swift Creek [Index No. 27-97-(2)] was reclassified from Class C1 to Class C.

(k) The Neuse River Basin Classification Schedule was amended effective August 1, 1985 as follows:

(1) Southeast Prong Beaverdam Creek from source to Beaverdam Creek [Index No. 27-33-15(2)] was reclassified from Class C1 to Class C.
(2) Pigeon House branch from source to Crabtree Creek [Index No. 27-33-(18)] was reclassified from Class C1 to Class C.
(3) Rocky Branch from source to Pullen Road [Index No. 27-34-6-(1)] was reclassified from Class C1 to Class C.
(4) Chavis Branch from source to Watson Branch [Index No. 27-37-8-1] was reclassified from Class C1 to Class C.

(l) The Neuse River Basin Classification Schedule was amended effective February 1, 1986 to reclassify all Class A-I and Class A-II streams in the Neuse River Basin to WS-I and WS-III.

(m) The Neuse River Basin Classification Schedule was amended effective May 1, 1988 to add the Nutrient Sensitive Waters classification to the waters of the Neuse River Basin below the Falls Lake dam.

(n) The Neuse River Basin Classification Schedule was amended effective July 1, 1988 as follows:

(1) Smith Creek [Index No. 27-23-(1)] from source to the dam at Wake Forest Reservoir has been reclassified from Class WS-III to WS-I.
(2) Little River [Index No. 27-57-(1)] from source to the N.C. Hwy. 97 Bridge near Zebulon including all tributaries has been reclassified from Class WS-III to WS-I.
(3) An unnamed tributary to Buffalo Creek just upstream of Robertson's Pond in Wake County from source to Buffalo Creek including Leo's Pond has been reclassified from Class C to B.

(o) The Neuse River Basin Classification Schedule was amended effective October 1, 1988 as follows:

(1) Walnut Creek (Lake Johnson, Lake Raleigh) [Index No. 27-34-(1)]. Lake Johnson and Lake Raleigh have been reclassified from Class WS-III to Class WS-III B.
(2) Haw Creek (Camp Charles Lake)(Index No. 27-86-3-7) from the backwaters of Camp Charles Lake to dam at Camp Charles Lake has been reclassified from Class C to Class B.

(p) The Neuse River Basin Classification Schedule was amended effective January 1, 1990 as follows:

(1) Neuse-Southeast Pamlico Sound ORW Area which includes all waters within a line beginning at the southwest tip of Ocracoke Island, and extending north west along the Tar-Pamlico River Basin and Neuse River Basin boundary line to Lat. 35 degrees 06' 30", thence

in a southwest direction to Ship Point and all tributaries, were reclassified from Class SA NSW to Class SA NSW ORW.

(2) Core Sound (Index No. 27-149) from northeastern limit of White Oak River Basin (a line from Hall Point to Drum Inlet) to Pamlico Sound and all tributaries, except Thorofare, John Day Ditch were reclassified from Class SA NSW to Class SA NSW ORW.

(q) The Neuse River Basin Classification Schedule was amended effective December 1, 1990 with the reclassification of the following waters as described in (1) through (3) of this Paragraph.

(1) Northwest Creek from its source to the Neuse River (Index No. 27-105) from Class SC Sw NSW to Class SB Sw NSW;

(2) Upper Broad Creek [Index No. 27-106-(7)] from Pamlico County SR 1103 at Lees Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW; and

(3) Goose Creek [Index No. 27-107-(11)] from Wood Landing to the Neuse River from Class SC Sw NSW to Class SB Sw NSW.

(r) The Neuse River Basin Classification Schedule was amended effective July 1, 1991 with the reclassification of the Bay River [Index No. 27-150-(1)] within a line running from Flea Point to the Hammock, east to a line running from Bell Point to Darby Point, including Harper Creek, Tempe Gut, Moore Creek and Newton Creek, and excluding that portion of the Bay River landward of a line running from Poorhouse Point to Darby Point from Classes SC Sw NSW and SC Sw NSW HQW to Class SA NSW.

(s) The Neuse River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules (15A NCAC 02B .0100, .0200 and .0300), which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(t) The Neuse River Basin Classification Schedule was amended effective April 1, 1994 as follows:

(1) Lake Crabtree [Index No. 27-33-(1)] was reclassified from Class C NSW to Class B NSW.

(2) The Eno River from Orange County State Road 1561 to Durham County State Road 1003 [Index No. 27-10-(16)] was reclassified from Class WS-IV NSW to Class WS-IV B NSW.

(3) Silver Lake (Index No. 27-43-5) was reclassified from Class WS-III NSW to Class WS-III B NSW.

(u) The Neuse River Basin Classification Schedule was amended effective July 1, 1996 with the reclassification of Austin Creek [Index Nos. 27-23-3-(1) and 27-23-3-(2)] from its source to Smith Creek from classes WS-III NSW and WS-III NSW CA to class C NSW.

(v) The Neuse River Basin Classification Schedule was amended effective September 1, 1996 with the reclassification of an unnamed tributary to Hannah Creek (Tuckers Lake) [Index No. 27-52-6-0.5] from Class C NSW to Class B NSW.

(w) The Neuse River Basin Classification Schedule was amended effective April 1, 1997 with the reclassification of the Neuse River (including tributaries) from mouth of Marks Creek to a point 1.3 miles downstream of Johnston County State Road 1908 to class WS-IV NSW and from a point 1.3 miles downstream of Johnston County State Road 1908 to the Johnston County Water Supply intake (located 1.8 miles downstream of Johnston County State Road 1908) to class WS-IV CA NSW [Index Nos. 27-(36) and 27-(38.5)].

(x) The Neuse River Basin Classification Schedule was amended effective August 1, 1998 with the revision of the Critical Area and Protected Area boundaries surrounding the Falls Lake water supply reservoir. The revisions to these boundaries are the result of the US Army Corps of Engineers raising the lake's normal pool elevation. The result of these revisions is the Critical and Protected Area boundaries (classifications) may extend further upstream than the current designations. The Critical Area for a WS-IV reservoir is defined as 0.5 miles and draining to the normal pool elevation. The Protected Area for a WS-IV reservoir is defined as 5 miles and draining to the normal pool elevation. The normal pool elevation of the Falls Lake reservoir has changed from 250.1 feet mean sea level (msl) to 251.5 feet msl.

(y) The Neuse River Basin Classification Schedule was amended effective August 1, 2002 with the reclassification of the Neuse River [portions of Index No. 27-(56)], including portions of its tributaries, from a point 0.7 mile downstream of the mouth of Coxes Creek to a point 0.6 mile upstream of Lenoir County proposed water supply intake from Class C NSW to Class WS-IV NSW and from a point 0.6 mile upstream of Lenoir County proposed water supply intake to Lenoir proposed water supply intake from Class C NSW to Class WS-IV CA NSW.

(z) The Neuse River Basin Classification Schedule was amended effective July 1, 2004 with the reclassification of the Neuse River (including tributaries in Wake County) [Index Nos. 27-(20.7), 27-21, 27-21-1] from the dam at Falls Lake to a point 0.5 mile upstream of the Town of Wake Forest Water Supply Intake (former water supply intake for Burlington Mills Wake Finishing Plant) from Class C NSW to Class WS-IV NSW and from a point 0.5 mile upstream of the Town of Wake Forest proposed water supply intake to Town of Wake Forest proposed water supply intake [Index No. 27-(20.1)] from Class C NSW to Class WS-IV NSW CA. Fantasy Lake [Index No. 27 -57-3-1-1], a former rock quarry within a WS-II NSW water supply watershed, was reclassified from Class WS-II NSW to Class WS-II NSW CA.

(aa) The Neuse River Basin Classification Schedule was amended effective November 1, 2007 with the reclassification of the entire watershed of Deep Creek (Index No. 27-3-4) from source to Flat River from Class WS-III NSW to Class WS-III ORW NSW.

(bb) The Neuse River Basin Classification Schedule was amended effective January 15, 2011 with the reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at Falls Reservoir from Class C NSW and Class B NSW

to Class WS-V NSW and Class WS-V & B NSW, respectively. All waters within the Falls Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in Rules .0275 through .0283 of this Subchapter.

(cc) The Neuse River Basin Classification Schedule was amended effective July 1, 2012 as follows:

(1) Johnston County owned quarry near Little River [Index No. 27-57-(20.2)] from Class C NSW to Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic Information Systems data layer of this quarry;

(2) a portion of the Neuse River [Index Number 27-(41.7)] from a point approximately 1.4 miles downstream of Gar Gut to a point approximately 1.7 miles upstream of Bawdy Creek from Class WS-V NSW to Class WS-IV NSW; and

(3) a portion of the Neuse River [Index No. 27-(49.5)] from a point approximately 0.5 mile upstream of S.R. 1201 (Johnston County intake) to S.R. 1201 (Johnston County intake) from Class WS-IV NSW to Class WS-IV NSW CA.

(dd) The Neuse River Basin Classification Schedule was amended effective May 1, 2023 as follows:

(1) City of Durham owned Nello Teer quarry near Eno River [Index No. 27-2-(19)] from Class WS-IV NSW to Class WS-IV NSW CA. The Division of Water Resources maintains a Geographic Information Systems data layer of this quarry; and

(2) a portion of the Eno River [Index No. 27-2-(19)] from a point approximately 0.7 miles downstream of U.S. Highway 501 to a City of Durham raw intake located about 1.1 miles downstream of U.S. Highway 501 from Class WS-IV NSW to Class WS-IV NSW CA.

Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

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***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10I .0103-.0105, and readopt with substantive changes the rule cited as 15A NCAC 10B .0201.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncwildlife.org/Proposed-Regulations*

Proposed Effective Date: *January 1, 2023*

Public Hearing:
Date: *October 13, 2022*
Time: *2:00 p.m.*
Location: *(10I) Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_aDwdI_MPSMicovR1xywONw Join by phone toll free (833 568 8864) using Webinar ID: 160 451 9084*

Date: *October 4, 2022*
Time: *2:00 p.m.*
Location: *(10B) Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_3EqP3ACBS9-Y1iFzfhDB2w Join by phone toll free (833 568 8864) using Webinar ID: 160 135 1811*

Reason for Proposed Action: *The NCWRC periodically reviews and updates taxa group classifications. The proposed amendments are necessary to keep taxa group classifications up to date (10I .0103-.0105)*

Proposed 10B .0201 incorporates required exceptions to the prohibition on possession and use of any substance that contains or is labeled as containing any excretion collected from a cervid for the purpose of taking wildlife. In addition, the Commission is required to adopt Session Law 2021-176. Additional amendments to this rule are part of the periodic review. This rule is required to be readopted by December 31, 2022.

Comments may be submitted to: *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org*

Comment period ends: *November 14, 2022*

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 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☒ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 - HUNTING

15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE

(a) ~~It is unlawful for any~~ No person ~~to~~ shall take, or have in their possession, any wild animal or wild bird listed in this Section except during the open seasons and in accordance with the limits herein prescribed, or as prescribed by 15A NCAC 10B .0300 pertaining to trapping or 15A NCAC 10D applicable to game lands managed by the Wildlife Resources Commission, unless otherwise permitted by law. ~~Lawful seasons and bag limits for each species apply beginning with the first day of the listed season and continue through the last day of the listed season, with all dates being included. When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended to Monday, January 2.~~

(b) Lawful seasons and bag limits for each species apply beginning with the first day of the listed season and continue through the last day of the listed season, with all dates being included.

(c) When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended to Monday, January 2.

~~(b)~~(d) On Sundays, hunting on private lands shall be allowed under the following conditions:

(1) archery equipment as described in 15A NCAC 10B .0116, falconry, and dogs where and when allowed the other days of the week are lawful methods of take, except as prohibited in G.S. ~~103-2:~~ 103-2;

(2) firearms are lawful methods of take when used as described in G.S. 103-2; and

(3) migratory game birds may not be taken.

~~(c) On Sundays, hunting on public lands is allowed with the following restrictions:~~

~~(1) only falconry and dogs used in conjunction with falconry are lawful methods of take; and~~

~~(2) migratory game birds may not be taken.~~

~~These restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.~~

(e) On Sundays, the following shall be prohibited on public game lands:

(1) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;

(2) the use of a firearm to take deer that are run or chased by dogs;

(3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 32 14-54.1(b), or any accessory structure thereof; and

(4) hunting migratory game birds

Except for migratory game bird these restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.

~~(d)~~(f) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set under this Section, may be taken during the hours and methods authorized for taking game animals.

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

(1) Products containing synthetic analogs of cervid excretions and labeled as such.

(2) Products consisting of or containing natural substances collected by a hunter from a legally harvested cervid in North Carolina.

(3) Natural substances collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.

(4) Natural deer urine products containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.

(5) Natural deer urine products containing excretions from facilities that meet all the following requirements and are labeled as such:

(A) Determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions.

(B) Complies with a federally approved CWD herd certification program and any federal CWD protocols.

(C) Participates in additional herd management requirements as specified by the Wildlife Resources Commission.

~~(e)~~(h) Where local laws govern hunting, or are in conflict with this Subchapter, the local law shall prevail.

Authority G.S. 103-2; 113-291.1(a); 113-134; 113-291.2; 113-291.3.

SUBCHAPTER 10I - ENDANGERED AND THREATENED SPECIES

SECTION .0100 - ENDANGERED AND THREATENED SPECIES

15A NCAC 10I .0103 ENDANGERED SPECIES LISTED

(a) The following species of resident wildlife shall be designated as federally-listed endangered species:

(1) Amphibians: None Listed At This Time.

(2) Birds:

(A) Bachman's warbler (Vermivora bachmanii);

(B) Ivory-billed woodpecker (Campephilus principalis);

(C) Piping plover (Charadrius melodus circumcinctus);

(D) Red-cockaded woodpecker (Dryobates borealis); and
(E) Roseate tern (Sterna dougallii dougallii).
(3) Crustacea: None Listed At This Time.
(4) Fish:
(A) Cape Fear shiner (Notropis mekistocholas);
(B) Carolina madtom (Noturus furiosus);
~~(B)~~(C) Roanoke logperch (Percina rex);
~~(C)~~(D) Shortnose sturgeon (Acipenser brevirostrum), when found in inland fishing waters as defined in G.S. 113-129(9)a and (9)b.; and
~~(D)~~(E) Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus), when found in inland fishing waters.
(5) Mammals:
(A) Carolina northern flying squirrel (Glaucomys sabrinus coloratus);
(B) Eastern cougar (Puma concolor);
(C) Gray bat (Myotis grisescens);
(D) Indiana bat (Myotis sodalis);
(E) Manatee (Trichechus manatus), when found in inland fishing waters; and
(F) Virginia big-eared bat (Corynorhinus townsendii virginianus).
(6) Mollusks:
(A) Appalachian elktoe (Alasmidonta raveneliana);
(B) Carolina heelsplitter (Lasmigona decorata);
(C) Dwarf wedgemussel (Alasmidonta heterodon);
(D) James spinymussel (Parvaspina collina);
(E) Littlewing pearlymussel (Pegias fabula);
(F) Tan riffleshell (Epioblasma florentina walkeri); and
(G) Tar River spinymussel (Parvaspina steinstansana).
(7) Reptiles:
(A) Kemp's ridley seaturtle (Lepidochelys kempii);
(B) Atlantic hawksbill seaturtle (Eretmochelys imbricata imbricata); and
(C) Leatherback seaturtle (Dermochelys coriacea).

(b) The following species of resident wildlife shall be designated as State-listed endangered species:
(1) Amphibians:
(A) Gopher frog (Rana [=Lithobates] capito);
(B) Hickory Nut Gorge green salamander (Aneides caryaenis);
(C) Ornate chorus frog (Pseudacris ornata); and
(D) River frog (Rana [=Lithobates] heckscheri).
(2) Birds:
(A) American peregrine falcon (Falco peregrinus anatum);
(B) Bewick's wren (Thryomanes bewickii);
(C) Common tern (Sterna hirundo);
(D) Henslow's sparrow (Centronyx henslowii); and
(E) Wayne's black-throated green warbler (Setophaga virens waynei).
(3) Crustacea:
(A) Bennett's Mill cave water slater (Caecidotea carolinensis); and
(B) Waccamaw crayfish (Procambarus braswelli).
(4) Fish:
(A) Blotchside logperch (Percina burtoni);
(B) Bridle shiner (Notropis bifrenatus);
(C) Orangefin madtom (Noturus gilberti);
(D) Paddlefish (Polyodon spathula);
(E) Robust redhorse (Moxostoma robustum);
(F) Rustyside sucker (Thoburnia hamiltoni);
(G) Sharpnose darter (Percina oxyrhyncus); and
(H) Stonecat (Noturus flavus).
(5) Mammals: ~~None Listed At This Time.~~
(A) Little brown bat (Myotis lucifugus); and
(B) Tricolored bat (Perimyotis subflavus).
(6) Mollusks:
~~(A) Atlantic pigtoe (Fusconaia masoni);~~
~~(B)~~(A) Barrel floater (Utterbackiana couperiana);
~~(C)~~(B) Brook floater (Alasmidonta varicosa);
~~(D)~~(C) Carolina creekshell (Villosa vaughaniana);
~~(E)~~(D) Fragile glyph (Glyphyalinia clingmani);
~~(F)~~(E) Green floater (Lasmigona subviridis);
~~(G)~~(F) Greenfield rams-horn (Helisoma eucosmium)
~~(H)~~(G) Knotty elimia (Elimia christyi);
~~(I)~~(H) Longsolid (Fusconaia subrotunda);
~~(J)~~(I) Magnificent rams-horn (Planorbella magnifica);
~~(K)~~(J) Purple wartyback (Cyclonaias tuberculata);
~~(L)~~(K) Savannah lilliput (Toxolasma pullus);
~~(M)~~(L) Slippershell mussel (Alasmidonta viridis);
~~(N)~~(M) Tennessee clubshell (Pleurobema oviforme);
~~(O)~~(N) Tennessee heelsplitter (Lasmigona holstonia);

~~(P)~~(O) Tennessee pigtoe (Pleuronaia barnesiana); and
~~(Q)~~(P) Yellow lampmussel (Lampsilis cariosa).

(7) Reptiles:
(A) Eastern coral snake (Micrurus fulvius fulvius); and
(B) Eastern diamondback rattlesnake (Crotalus adamanteus); and
(C) Mimic glass lizard (Ophisaurus mimicus).

Authority G.S. 113-134; 113-291.2; 113-292; 113-333.

15A NCAC 10I .0104 THREATENED SPECIES LISTED

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

(1) Amphibians: Neuse River waterdog (Necturus lewisi).
(2) Birds:
(A) Eastern black rail (Laterallus jamaicensis jamaicensis);
(B) Piping plover (Charadrius melodus melodus);
(C) Red knot (Calidris canutus rufa); and
(D) Wood stork (Mycteria americana).
(3) Crustacea: None Listed At This Time.
(4) Fish:
(A) Spotfin chub (Erimonax monachus); and
(B) Waccamaw silverside (Menidia extensa).
(5) Mammals: Northern long-eared bat (Myotis septentrionalis)
(6) Mollusks:
(A) Atlantic pigtoe (Fusconaia masoni);
~~(A)~~(B) Noonday globe (Patera clarki nantahala); and
~~(B)~~(C) Yellow lance (Elliptio lanceolata).
(7) Reptiles:
(A) Bog turtle (Glyptemys muhlenbergii);
(B) American alligator (Alligator mississipiensis);
(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) Eastern tiger salamander (Ambystoma tigrinum tigrinum);
(B) Green salamander (Aneides aeneus);
(C) Junaluska salamander (Eurycea junaluska);
(D) Long-tailed salamander (Eurycea longicauda longicauda);
(E) Mabee's salamander (Ambystoma mabeei);
(F) Pine Barrens tree frog (Hyla andersonii); and
(G) Wehrle's salamander (Plethodon wehrlei).
(2) Birds:
(A) Bald eagle (Haliaeetus leucocephalus);
(B) Caspian tern (Hydroprogne caspia);
(C) Gull-billed tern (Gelochelidon nilotica aranea); and
(D) Northern saw-whet owl (Aegolius acadicus).
(3) Crustacea:
(A) Broad River spiny crayfish (Cambarus spicatus);
(B) French Broad crayfish (Cambarus reburrus);
(C) Pamlico crayfish (Procambarus medialis);
(D) Sandhills crayfish (Procambarus pearsei); and
(E) South Mountains crayfish (Cambarus franklini).
(4) Fish:
(A) Bigeye jumprock (Moxostoma ariommum);
(B) Blotched chub (Erimystax insignis)
~~(B) Carolina madtom (Noturus furiosus);~~
(C) Carolina pygmy sunfish (Elassoma boehlkei);
(D) Carolina redhorse (Moxostoma sp.);
(E) Ironcolor shiner (Notropis chalybaeus)
~~(E)~~(F) Least brook lamprey (Lampetra aepyptera);
~~(F)~~(G) Logperch (Percina caprodes);
~~(G)~~(H) Mimic shiner (Notropis volucellus);
~~(H)~~(I) Rosyface chub (Hybopsis rubrifrons);
~~(I)~~(J) Sharphead darter (Etheostoma acuticeps);
(K) Santee chub (Cyprinella zanema)
~~(J)~~(L) Sicklefin redhorse (Moxostoma sp.);
(M) Thicklip chub (Cyprinella labrosa)
~~(K)~~(N) Turquoise darter (Etheostoma inscriptum); and
~~(L)~~(O) 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 (Utterbackiana implicata);
(B) Big-tooth covert (Fumonelix jonesiana);

(C) Cape Fear threetooth (Triodopsis soelneri);
(D) Eastern lampmussel (Lampsilis radiata);
(E) Eastern pondmussel (Ligumia nasuta);
(F) Engraved covert (Fumonelix orestes);
(G) Mountain creekshell (Villosa vanuxemensis);
(H) Notched rainbow (Villosa constricta);
(I) Rainbow (Villosa iris);
(J) Roan supercoil (Paravitrea varidens);
(K) Sculpted supercoil (Paravitrea ternaria);
(L) Smoky Mountain covert (Inflectarius ferrissi);
(M) Creeper (Strophitus undulatus);
(N) Tidewater mucket (Leptodea ochracea);
(O) Triangle floater (Alasmidonta undulata); and
(P) Waccamaw ambersnail (Catinella waccamawensis).

(7) Reptiles:
(A) Northern pine snake (Pituophis melanoleucus melanoleucus); and
(B) Southern hognose snake (Heterodon simus).

Authority G.S. 113-134; 113-291.2; 113-292; 113-333.

15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED

The following species of resident wildlife shall be designated as State-listed special concern species:

(1) Amphibians:
~~(a) Crevice salamander (Plethodon longicrus);~~
(a) Collinses' mountain chorus frog (Pseudacris collinsorum);
~~(a)~~(b) Crevice salamander (Plethodon longicrus);
~~(b)~~(c) Dwarf salamander (Eurycea quadridigitata);
~~(c)~~(d) Dwarf black-bellied salamander (Desmognathus folkertsi);
~~(d)~~(e) Eastern hellbender (Cryptobranchus alleganiensis alleganiensis);
~~(e)~~(f) Four-toed salamander (Hemidactylium scutatum);
~~(f)~~(g) Gray treefrog (Hyla versicolor);
~~(g)~~(h) Mole salamander (Ambystoma talpoideum);
~~(h) Mountain chorus frog (Pseudacris brachyphona);~~
(i) Mudpuppy (Necturus maculosus);
~~(j) Neuse River waterdog (Necturus lewisi);~~
~~(k)~~(j) Southern chorus frog (Pseudacris nigrita);
~~(l)~~(k) Southern zigzag salamander (Plethodon ventralis); and
~~(m)~~(l) Weller's salamander (Plethodon welleri).

(2) Birds:
(a) American oystercatcher (Haematopus palliatus);
(b) Bachman's sparrow (Peucaea aestivalis);
(c) Barn owl (Tyto alba);
(d) Black-capped chickadee (Poecile atricapillus);
(e) Black skimmer (Rynchops niger);
(f) Brown creeper (Certhia americana nigrescens);
(g) Cerulean warbler (Setophaga cerulea);
(h) Glossy ibis (Plegadis falcinellus);
(i) Golden-winged warbler (Vermivora chrysoptera);
(j) Least bittern (Ixobrychus exilis);
(k) Least tern (Sternula antillarum);
(l) Little blue heron (Egretta caerulea);
(m) Loggerhead shrike (Lanius ludovicianus);
(n) Painted bunting (Passerina ciris);
(o) Red crossbill (Loxia curvirostra);
(p) Snowy egret (Egretta thula);
(q) Tricolored heron (Egretta tricolor);
(r) Vesper sparrow (Pooecetes gramineus); and
(s) Wilson's plover (Charadrius wilsonia).

(3) Crustacea:
(a) Carolina skistodiaptomus (Skistodiaptomus carolinensis);
(b) Carolina well diacyclops (Diacyclops jeannelli putei);
(c) Chowanoke crayfish (Faxonius virginiensis);
(d) Graceful clam shrimp (Lynceus gracilicornis);
(e) Greensboro burrowing crayfish (Cambarus catagius);
(f) Hiwassee headwaters crayfish (Cambarus parrishi);
(g) Little Tennessee River crayfish (Cambarus georgiae);
(h) North Carolina spiny crayfish (Faxonius carolinensis); and
(i) Oconee stream crayfish (Cambarus chaugaensis).

(4) Fish:
(a) American brook lamprey (Lethenteron appendix);
(b) "Atlantic" Highfin carpsucker (Carpiodes sp. cf. velifer);
(c) Banded sculpin (Cottus carolinae);
(d) Blue Ridge sculpin (Cottus caeruleomentum);
(e) Blueside darter (Etheostoma jessiae);

(f) Broadtail madtom (Noturus sp.);
(g) Carolina darter (Etheostoma collis);
(h) Cutlip minnow (Exoglossum maxillingua);
(i) Freshwater drum (Aplodinotus grunniens);
(j) Kanawha minnow (Phenacobius teretulus);
(k) Lake sturgeon (Acipenser fulvescens);
(l) Least killifish (Heterandria formosa);
(m) Mooneye (Hiodon tergisus);
(n) Mountain madtom (Noturus eleutherus);
(o) Ohio lamprey (Ichthyomyzon bdellium);
(p) Olive darter (Percina squamata);
(q) Pinewoods darter (Etheostoma mariae);
(r) River carpsucker (Carpiodes carpio);
(s) Sandhills chub (Semotilus lumbee);
(t) Seagreen darter (Etheostoma thalassinum);
~~(t)~~(u) Sickle darter (Percina williamsi);
~~(u)~~(v) Smoky dace (Clinostomus sp.);
~~(v)~~(w) Striped shiner (Luxilus chrysocephalus);
~~(w)~~(x) Snubnose darter (Etheostoma simoterum);
~~(x)~~(y) "Thinlip" chub (Cyprinella sp. cf. zanema);
~~(y)~~(z) Waccamaw killifish (Fundulus waccamensis);
~~(z)~~(aa) Westfall's Darter (Percina westfalli);
~~(aa)~~(bb) Wounded darter (Etheostoma vulneratum); and
~~(bb)~~(cc) Yellowfin shiner (Notropis lutipinnis);

(5) Mammals:
(a) Allegheny woodrat (Neotoma magister);
(b) Buxton Woods white-footed mouse (Peromyscus leucopus buxtoni);
(c) Coleman's oldfield mouse (Peromyscus polionotus colemani);
(d) Eastern big-eared bat (Corynorhinus rafinesquii macrotis);
(e) Eastern small-footed bat (Myotis leibii leibii);
(f) Florida yellow bat (Lasiurus intermedius floridanus);
~~(g) Pungo white-footed mouse (Peromyscus leucopus easti);~~
~~(h)~~(g) Southeastern bat (Myotis austroriparius);
~~(i)~~(h) Southern rock vole (Microtus chrotorrhinus carolinensis); and
~~(j)~~(i) Star-nosed mole (Condylura cristata parva).

(6) Mollusks:
(a) Appalachian gloss (Zonitoides patuloides);
(b) Bidentate dome (Ventridens coelaxis);
(c) Black mantleslug (Pallifera hemphilli);
(d) Blackwater ancylid (Ferrissia hendersoni);
(e) Blue-foot lancetooth (Haplotrema kendeighi);
(f) Cape Fear spike (Elliptio marsupiobesa);
(g) Clingman covert (Fumonelix wheatleyi clingmanicus);
(h) Dark glyph (Glyphyalinia junaluskana);
(i) Dwarf proud globe (Patera clarki clarki);
(j) Dwarf threetooth (Triodopsis fulciden);
(k) Fringed coil (Helicodiscus fimbriatus);
(l) Glossy supercoil (Paravitrea placentula);
(m) Great Smoky slitmouth (Stenotrema depilatum);
(n) High mountain supercoil (Paravitrea andrewsae);
(o) Honey glyph (Glyphyalinia vanattai);
(p) Lamellate supercoil (Paravitrea lamellidens);
(q) Mirey Ridge supercoil (Paravitrea clappi);
(r) Open supercoil (Paravitrea umbilicaris);
(s) Pink glyph (Glyphyalinia pentadelphia);
(t) Pod lance (Elliptio folliculata);
(u) Queen crater (Appalachina chilhoweensis);
(v) Ramp Cove supercoil (Paravitrea lacteodens);
(w) Ridged lioplax (Lioplax subcarinata);
(x) Roanoke slabshell (Elliptio roanokensis);
(y) Saw-tooth disc (Discus bryanti);
(z) Seep mudalia (Leptoxis dilatata);
(aa) Spike (Eurynia dilatata);
(bb) Spiral coil (Helicodiscus bonamicus);
(cc) Velvet covert (Inflectarius subpalliatus);
(dd) Waccamaw amnicola (Amnicola sp.);
(ee) Waccamaw siltsnail (Cincinnatia sp.); and
(ff) Wavy-rayed lampmussel (Lampsilis fasciola).

(7) Reptiles:
(a) Carolina pigmy rattlesnake (Sistrurus miliarius miliarius);

(b) Carolina swamp snake ~~(Seminatrix pygaea paludis);~~ (Liodytes pygaea paludis);
(c) Carolina watersnake (Nerodia sipedon williamengelsi);
(d) Cumberland slider (Trachemys scripta troostii);
(e) Diamondback terrapin (Malaclemys terrapin);
(f) Eastern chicken turtle (Deirochelys reticularia reticularia);
(g) Eastern coachwhip (Coluber (=Masticophis) flagellum flagellum);
(h) Eastern slender glass lizard (Ophisaurus ~~attenuates~~ attenuatus longicaudus);
(i) Eastern spiny softshell (Apalone spinifera spinifera);
(j) Northern map turtle (Graptemys geographica);
(k) Outer Banks kingsnake (Lampropeltis getula sticticeps);
(l) Stripeneck musk turtle (Sternotherus minor peltifer); and
(m) Timber rattlesnake (Crotalus horridus).

Authority G.S. 113-134; 113-291.2; 113-292; 113-333.

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***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0301, .0314, .0326, .0327, .0336, and .0361.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncwildlife.org/Proposed-Regulations*

Proposed Effective Date: *January 1, 2023*

Public Hearing:
Date: *November 8, 2022*
Time: *2:00 p.m.*
Location: *Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_1gvE1hFLS3-aVsPJ02u7kA Join by phone toll free (833 568 8864) using Webinar ID: 160 146 3176*

Reason for Proposed Action:
***15A NCAC 10F .0301** - Technical correction to remove language that limits the size of a safety zone to within 50 yards of a protected hydroelectric facility.*

***15A NCAC 10F .0314** - Extension of no wake zones are being proposed in the navigation channel in a portion of Bradley Creek in Wilmington.*

***15A NCAC 10F .0326** - Technical correction to provide addresses for boating access areas in Pamlico County.*

***15A NCAC 10F .0327** - Technical correction to add the address for the Old North State Marina on Badin Lake in New London.*

***15A NCAC 10F .0336** - Proposed to incorporate the Odom Boating Access Area on the Roanoke River and the Stonehouse Timber Lodge Marina on Lake Gaston in Littleton.*

***15A NCAC 10F .0361** - Extension of no wake zones are being proposed at Dam Site Park and to incorporate the entire cove where Smithey's Creek Boat Ramp and ADA fishing Area and Fort Hamby BAA are located.*

Comments may be submitted to: *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org*

Comment period ends: *November 14, 2022*

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 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☒ **State funds affected**
☒ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0301 GENERAL PROVISIONS
(a) Definitions. The definitions used in G.S. 75A shall apply in this Subchapter. In addition, the following definitions shall apply:
(1) "Commission" means the North Carolina Wildlife Resources Commission;
(2) "Executive Director" means the Executive Director of the Commission;

(3) "No wake speed" means idle speed or slow speed creating no appreciable wake;

(4) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States, and is hereby incorporated by reference including all subsequent amendments and editions and can be found free of charge online at www.ecfr.gov;

(5) "Designated agency" means a subdivision of the State that the Commission designates for placement of markers that conform to USATONS standards;

(6) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape against a white background, used to alert a mariner to warnings or regulatory matters, as defined in 33 CFR 62.33;

(7) "Swimming area" means an enclosed area on the water for swimming that is marked against entry by vessels;

(8) "Mooring area" means an area on the water delineated by speed zone markers where vessels may be tied to objects anchored on the seabed;

(9) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed; and

(10) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access is limited to authorized persons and vessels, as defined in 33 CFR 165.20.

(b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to the Commission for rules on waters within the subdivision's territorial limits on an application provided by the Commission at www.ncwildlife.org. The completed application and supporting documents shall be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North Carolina 27699-1701 or submitted via email to nowakezonecoordinator@ncwildlife.org. The application shall contain the following information:

(1) the name of the subdivision of the State applying for water safety rulemaking;

(2) the date of the application;

(3) the contact person's name, telephone number, and mailing address;

(4) descriptive information for the body of water;

(5) location of the proposed no wake zone, marked swimming area, or other regulated area;

(6) a statement that the subdivision of the State has given public notice of its intention to apply for rulemaking on waters within its territorial limits;

(7) a resolution from the subdivision of the State requesting water safety rulemaking; and

(8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and placement of markers that conform to USATONS standards.

(c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and placement of markers conforming to USATONS required to implement a water safety rule.

(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place information markers without permission from the Executive Director or his or her designee.

(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers.

(f) Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked swimming areas shall meet the following requirements:

(1) the enclosed swimming area in the water shall not exceed 5,000 square feet;

(2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an enclosed area;

(3) the swimming area shall not extend into a navigational channel or interfere with navigation of vessels;

(2) float lines shall have white, international orange, or alternating white and international orange floats along their length at intervals of not less than one every 10 feet;

(3) floats shall be buoyant enough to float at the surface of the water while attached to the float line, and no float shall exceed a size of 18 inches in length or diameter;

(4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines to give warning to vessels approaching the swimming area from all directions; and

(5) float lines and warning markers shall be anchored.

(g) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed in the water. ~~water no greater than 50 yards from the protected facility.~~ Markers shall be sufficient in number and size to give warning of the restriction to vessels approaching from all directions.

(h) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated area, written notice shall be served upon the individuals responsible for the improper placement of the markers or navigational aids. Failure to take action to correct the deficiency within 10 days, in accordance with the written notice, shall be a violation of this Rule.

(i) Miscellaneous Restrictions. Except for mooring buoys or markers that are specifically permitted by State or federal law, it

shall be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05. It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or tamper with any marker lawfully placed in the waters of North Carolina in conformity with these rules or USATONS standards.

Authority G.S. 75A-15.

15A NCAC 10F .0314 NEW HANOVER COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in New Hanover County:

(1) the area bounded on the north by the US 74-76 Bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to US Highway 74-76 and intersecting marker number 25 in Motts Channel;

(2) the area of Motts Channel between marker number 25 at the Intracoastal Waterway on the west and marker number 16 at the entrance from Banks Channel on the east;

(3) ~~the area bounded on the west by the US 76 Bridge crossing Bradley Creek, on the north and south by the banks of Bradley Creek, on the east by a line from a point on the southwest shore at 34.21298 N, 77.83173 W, to a point on the northeast shore at 34.21446 N, 77.83063 W;~~ the waters of the navigation channel in that portion of Bradley Creek in the City of Wilmington between the US 76 Bridge crossing Bradley Creek and Channel Marker 8, near the mouth of Bradley Creek at 34.20858 N, 77.82272 W;

(4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W, to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;

(5) the unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach and an unnamed island located approximately 500 feet northeast of the US 74 bridge over Banks Channel; and

(6) the waters of the Northeast Cape Fear River between the US Hwy. 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area.

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

(c) Placement of Markers. The Board of Commissioners of New Hanover County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0326 PAMLICO COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters or portions of waters in Pamlico County:

(1) Silverthorn Bay off ~~of~~ Burton ~~Creek: the waters of Burton Creek known as Silverthorn Bay,~~ Creek in Merritt, north of a line at a point on the east shore at 35.09531 N, 76.60791 W to a point on the west shore at 35.09572 N, 76.60883 W.

(2) ~~Minnesott Beach: the Minnesott Beach Yacht Basin~~ Alligator Gut Basin and its access channel extending 30 yards beyond the outermost rock jetties in Neuse ~~River.~~ River, east of Neuse River Drive, Minnesott Beach.

(3) Within 50 yards of Lee's Landing Boating Access Area on Upper Broad Creek, at 3337 Lee Landing Road, Reelsboro.

(4) Within 50 yards of the Vandemere Waterfront Park and Boat Ramp's eastern end at the concrete walkway, at 86 Griffin Road in Vandemere.

(5) Within 50 yards of the Dawson Creek Boating Access Area on Dawson Creek, at 303 Creek Place Road, Oriental.

(6) Within 50 yards of the Oriental Boating Access Area on Smith Creek, at 100 Midyette Street, Oriental.

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

(c) Placement of Markers. ~~The Board of Commissioners of Pamlico County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~ The following agencies shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

(1) The Board of Commissioners of Pamlico County for the regulated areas designated in Subparagraph (a)(1) and (2) of this Rule; and

(2) The North Carolina Wildlife Resources Commission for the regulated areas designated in Subparagraph (a)(3) through (6) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

(1) Badin Lake.

(A) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;

(B) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W;

(C) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W;

(D) within 50 yards of the fueling station at the Old North State Marina at the entrance to a cove within the ~~Uwharrie Point . community;~~ Uwharrie Point community at 139 Marina Lane in New London;

(E) within 50 yards of the Circle Drive Boating Access Area, at 724 Shoreline Drive in New London;

(F) within 50 yards of Lakemont Boating Access Area, at 241 Lakemont Road in New London; and

(G) within 50 yards of the Cove Boat Ramp at 400 Cove Road in New London.

(2) Lake Tillery.

(A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;

(B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W;

(C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W; and

(D) within 50 yards of Swift Island Boating Access Area at 4917 NC Highway 24/27 in Mount Gilead.

(3) Tuckertown Reservoir. Pee Dee River, within 50 yards of the Clarks Creek Boating Access Area at 177 Tillery Dam Road in Mount Gilead.

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

(c) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the marked swimming area on Badin Lake at the Pinehaven Village beach area at 370 Pinehaven Drive in New London, within 50 feet of the shoreline between points at 35.49927 N, 80.11428 W; and 35.49934 N, 80.11437 W.

~~(e)~~(d) Placement of Markers. The following agencies shall be responsible for placement or placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers:

(1) The Board of Commissioners of Montgomery County for placement of the markers implementing Parts (a)(1)(A), (B), (C), (D), and (a)(2)(A), and (B) of this Rule;

(2) The North Carolina Wildlife Resources Commission for placement and maintenance of the markers implementing Parts (a)(1)(E), (F), (a)(2)(C), (D), and Subparagraph (a)(4) of this Rule;

(3) The Board of Commissioners of Montgomery County shall be the designated agency for placement and maintenance of the ropes and markers implementing Paragraph (c) of this Rule; and

(4) The U.S. Forest Service for placement and maintenance of the markers implementing Part (a)(1)(G) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES

(a) No person shall operate a vessel at greater than no-wake speed in the following waters of Lake Gaston and the Roanoke River in Northampton and Warren counties.

(1) Lake Gaston:

(A) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;

(B) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W;

(C) within 50 yards of the Henrico Boating Access Area in Northampton County, 142 Wildlife Landing Road, Henrico, N.C.;

(D) within 50 yards of the Vultare Boating Access Area in Northampton County, 773 Old Gaston Road, Gaston, N.C;

(E) within 50 yards east and west of the N.C. Highway 903 Eaton Ferry Road Bridge in Warren County;

(F) within 50 yards of the Hawtree Creek Boating Access Area in Warren County, 1200 Peete Farm Road, Warrenton, N.C.;

(G) within 50 yards of the Salmons Landing Boating Access area in Warren County, 129 Salmon Landing Road, Littleton, N.C.;

(H) within 50 yards of the Wildwood Point boat ramp in Warren County,184 N. Oak Drive, Littleton, N.C.;

(I) within 50 yards of the Lizard Creek boat ramp in Warren County, 417 Lizard Creek Road, Littleton, N.C.;

(J) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W; and

(K) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W;

(L) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W;

(M) within 50 yards of the Waters View Restaurant adjacent to the northwest end of the N.C. Highway 903 bridge in Warren County;

(N) the cove west of the Pointe at Lake Gaston at the southwest end of the N.C. Highway 903 bridge in Warren County, south of a point at 36.50937 N, 77.96644 W;

(O) Camp Willow Run Canoe and Sail Cove in Warren County, beginning at a line shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49534 N, 77.91508 W; ~~and~~

(P) the cove on Hubquarter Creek in Warren County, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore at 36.49947 N, ~~78.00553 W.~~ 78.00553 W; and

(Q) the waters of the cove east of the Stonehouse Timber Lodge Marina, 154 Stonehouse Lodge Drive, Littleton, N.C., shore to shore south of a point at 36.49206 N, 77.94085 W.

(2) ~~Roanoke River. No person shall operate a vessel at greater than no-wake speed in Roanoke River in Northampton County within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids Road, Gaston, N.C.~~ Roanoke River:

(A) within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids Road, Gaston, N.C.; and

(B) within 50 yards of the Odom Boating Access Area, 1017 Striper Lane, Jackson, N.C.

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

(c) ~~Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.~~ Placement of Markers. The following agencies shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

(1) The Boards of Commissioners of Northampton County and Warren County shall be responsible for placement of markers for the regulated areas designated in Parts (a)(1)(A), (B), and (H) through (Q) of this Rule; and

(2) The North Carolina Wildlife Resources Commission shall be responsible for placement of markers for the regulated areas designated in Parts (a)(1)(C) through (G) and Parts (a)(2)(A) and (B) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0361 WILKES COUNTY

(a) Regulated Areas. This Rule shall apply to ~~those waters within 50 yards of any marked boat launching area, bridge, dock, pier, marina, boat storage structure, or boat service area located~~ the following waters on W. Kerr Scott Reservoir in Wilkes ~~County.~~ County:

(1) the waters of Dam Site Park Cove at Dam Site Shelter, 499 Reservoir Road, Wilkesboro, south of a line at the mouth of the cove from a point on the east shore at 36.13090 N, 81.22955 W to a point on the west shore at 36.13040 N, 81.23122;

(2) the waters of the cove at Skyline Marina, 4008 W. N.C. Hwy 268, Wilkesboro, south of a line at the mouth of the cove from a point on the east shore at 36.12738 N, 81.23530 W to a point on the west shore at 36.12608 N, 81.23847 W;

(3) the waters of the cove north and west of Berry Mountain Park, 4732 W. N.C. Hwy 268, Wilkesboro, south of a line at the mouth of the cove from a point on the east shore at 36.12558 N, 81.24025 W to a point on the west shore at 36.12545 N, 81.24245 W, surrounding the

Berry Mountain swim beach, and to the southwest to the end of the cove;

(4) within 50 yards of the Boomer Park boat ramp, 400 Boomer Road, Boomer;

(5) within 50 yards of the Keowee boat ramp, 7659 N.C. Hwy 268, Boomer;

(6) the waters of the cove where Smithey's Creek boat ramp and Fort Hamby boat ramp are located, northwest of a line at the mouth of the cove from a point on the east shore at 36.12612 N, 81.26129 W to a point on the west shore at 36.12361 N, 81.26404 W;

(7) the waters within 50 yards north and 50 yards south of the N.C. Hwy 268 Bridge, at 36.09902 N, 81.28070 W;

(8) the waters within 50 yards surrounding the Boomer Park Beach Swim Area located at 400 Boomer Road, Boomer;

(9) the waters within 50 yards surrounding the Fort Hamby Swim Area located at 1534 S. Recreation Road, Wilkesboro; and

(10) the waters of the cove where the Warrior Creek Swim Area is located, southwest of a line at the mouth of the cove from a point on the south shore at 36.10494 N, 81.28304 W to a point on the north shore at 36.10591 N, 81.28412 W.

(b) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter the waters of the following swim areas:

(1) the waters of the Fort Hamby Swim Area located at 36.12314 N, 81.26870 W, at 1534 S. Recreation Road, Wilkesboro;

(2) the waters of Warrior Creek Swim Area located at 36.10367 N, 81.28664 W, at 7659 W. Hwy 268, Boomer;

(3) the waters of Boomer Park Beach Swim Area located at 36.09271 N, 81.27967 W, 400 Boomer Road, Boomer;

(4) the waters of the Berry Mountain Park Swim Beach located at 36.12498 N, 81.24010 W, 4732 W. N.C. Hwy 268, Wilkesboro; and

(5) the waters of the Bandit's Roost Park Swim Area located at 36.12425 N, 81.25172 W, 667 Jess Walsh Road, Wilkesboro.

(c) Safety Zone. Except for authorized persons and vessels, no entry shall be allowed in the waters 50 yards downstream from the W. Kerr Scott Dam and Intake Tower.

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

(e) Placement of Markers. The Wilkes County Board of Commissioners and the U.S. Army Corps of Engineers shall be the designated agencies for placement and maintenance of the markers implementing this Rule, subject to the authority of the U.S. Army Corps of Engineers.

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

~~(c) Placement of Markers. The Wilkes County Board of Commissioners shall be the designated agency for placement of the markers implementing this Rule.~~

Authority G.S. 75A-3; 75A-15.

Note from the Codifier: *The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication.*
This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10B .0503*

Effective Date: *August 30, 2022*

Findings Reviewed and Approved by the Codifier: *August 22, 2022*

Reason for Action: *An Emergency rule is needed to address the use of natural deer excretions from hunter-harvested deer before the 2022-2023 hunting season begins. Prohibiting possession and use of these substances will aid in the detection and reduce movement of CWD in the surveillance area.*
In 2020, prior to the detection of CWD in North Carolina, and in an attempt to prevent the spread of CWD to the State, the Wildlife Resources Commission adopted amendments to 15A NCAC 10B .0201 – PROHIBITED TAKING AND MANNER OF TAKE, prohibiting the use of any substance or material that contains or is labeled as containing any excretion of a cervid, excluding synthetic products and natural substances collected by a hunter from non-farmed cervids legally taken in North Carolina.
This rule was subjected to legislative review and Session Law 2021-176 was approved on November 10, 2021. The Session Law was approved before CWD was detected fails to provide adequate protection for isolation of disease, as hunters harvesting deer in the CWD surveillance areas (areas where additional deer with CWD exist) can lawfully use excretions from a harvested cervid as an attractant to take cervids throughout the state, thus moving the prions that cause CWD to potentially uninfected areas. Because of the nature of the disease, this is a potential pathway for irreversible spread of CWD throughout the state that could impact herds in uninfected areas.
The first case of CWD in North Carolina was detected in March 2022 while the agency was preparing amendments to the rules required by the Session Law and the Periodic Review of Rules. In an attempt to address the issue with this rule as expeditiously as possible once CWD was detected, and ensure that necessary amendments were in place before the 2022-2023 hunting season, the agency worked with the General Assembly in the 2022 Short Session to amend the Session Law. However, language proposed in the House Committee substitute bill was removed by amendment prior to a vote, and there was not time in the session to make additional changes.
Since that time, the agency has been working with the NC Department of Agriculture and Consumer Services to ensure that proposed restrictions on possession and use of cervid excretions in the CWD surveillance areas provide necessary protections to the public and the wild cervid population now and in the future. While not known to spread to humans, the CDC does not recommend eating a deer that has tested positive for CWD.
The first confirmed case of chronic wasting disease (CWD) in North Carolina was detected on March 31, 2022. At this time, the Executive Director exercised emergency powers in accordance with G.S. 113-306(f) and issued a CWD Emergency Response Plan in accordance with 15A NCAC 10A .1201 on April 12, 2022. Because the agency was addressing amendments to 15A NCAC 10B .0201 through the Legislature at the time, the issue of use and possession of deer excretions was not addressed under emergency powers.
By the time the language addressing deer excretions was removed from the House Committee substitute bill (6/30/2022), emergency powers had already expired (6/29/2022), as they only extend for 90 days after the Commission determines that a disease outbreak has occurred unless a temporary rule is adopted in accordance with the APA to replace them. Because the Executive Director had not initiated emergency powers on deer excretions and 90 days had elapsed, the agency determined that this option no longer exists for the topic.
Additionally, a second case of CWD was confirmed on 8/18/2022. The prohibition on possession and use of excretions from hunter-harvested deer in the surveillance area is necessary before the hunting season begins to assist the agency with efforts to prohibit the implementing new measures in the surveillance area to control spread of CWD.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Placement of bait, food, food product, minerals, or salt licks to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside a Surveillance Area, except that bird feeders and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting during the urban archery season shall be allowed within the established season in participating municipalities.
(b) It is unlawful to export a live cervid, cervid carcass, or carcass parts originating from inside a Surveillance Area except:
- (1) meat that has been boned out such that no pieces or fragments of bone remain;
- (2) caped hides with no part of the skull or spinal column attached;
- (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;

(4) cleaned lower jawbones with teeth or cleaned teeth;

(5) finished taxidermy products and tanned hides; and

(6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

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

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

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

(1) Products containing synthetic analogs of cervid excretions and labeled as such.

(2) Natural substances collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.

(3) Natural deer urine products containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.

(4) Natural deer urine products containing excretions from facilities that meet all the following requirements and are labeled as such:

(A) Determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions.

(B) Complies with a federally approved CWD herd certification program and any federal CWD protocols.

(C) Participates in additional herd management requirements as specified by the Wildlife Resources Commission.

Authority G.S. 113-134; 113-306.

Note from the Codifier: *The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.*
This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0307, .0314, .0325, .0326, .0401, .0402, .0409-.0430, .0701; 10D .0240*

Effective Date: *September 1, 2022*

Date Approved by the Rules Review Commission: *August 18, 2022*

Reason for Action: *G.S. 150B-21.1(a)(7)b and 150B-21.1(a)(7)c.*
15A NCAC 10C .0307 *– Temporary amendment of this rule is necessary to clarify inland fishing regulations on flounder.*
15A NCAC 10C .0314 *– Temporary amendment of this rule is necessary to maintain regulations over striped bass.*
15A NCAC 10C .0325 *– Temporary adoption of this rule is necessary to maintain regulations over sea trout.*
15A NCAC 10C .0326 *– Temporary adoption of this rule is necessary to clarify inland fishing regulations on red drum.*
15A NCAC 10C .0401 *– Temporary amendment of this rule is necessary to maintain regulations on the taking of nongame fishes.*
15A NCAC 10C .0402 *– Temporary amendment of this rule is necessary to clarify inland fishing regulations on taking nongame fishes by special device for bait or personal consumption.*
15A NCAC 10C .0409 *– Temporary adoption of this rule is necessary to maintain regulations on the taking and possession of nongame fishes.*
15A NCAC 10C .0410 *– Temporary adoption of this rule is necessary to maintain regulations on american eel.*
15A NCAC 10C .0411 *– Temporary adoption of this rule is necessary to maintain regulations on atlantic croaker.*
15A NCAC 10C .0412 *– Temporary adoption of this rule is necessary to maintain regulations on black drum.*
15A NCAC 10C .0413 *– Temporary adoption of this rule is necessary to maintain regulations on blue crab.*
15A NCAC 10C .0414 *– Temporary adoption of this rule is necessary to maintain regulations on bluefish.*
15A NCAC 10C .0415 *– Temporary adoption of this rule is necessary to maintain regulations on bowfin.*
15A NCAC 10C .0416 *– Temporary adoption of this rule is necessary to maintain regulations on blue catfish, channel catfish, and flathead catfish.*
15A NCAC 10C .0417 *– Temporary adoption of this rule is necessary to maintain regulations on cobia.*
15A NCAC 10C .0418 *– Temporary adoption of this rule is necessary to maintain regulations on freshwater mussels.*
15A NCAC 10C .0419 *– Temporary adoption of this rule is necessary to maintain regulations on grass carp.*
15A NCAC 10C .0420 *– Temporary adoption of this rule is necessary to maintain regulations on king mackerel.*
15A NCAC 10C .0421 *– Temporary adoption of this rule is necessary to maintain regulations on margined madtom and tadpole madtom.*
15A NCAC 10C .0422 *– Temporary adoption of this rule is necessary to maintain regulations on striped mullet and white mullet.*
15A NCAC 10C .0423 *– Temporary adoption of this rule is necessary to maintain regulations on alewife and blueback herring.*
15A NCAC 10C .0424 *– Temporary adoption of this rule is necessary to maintain regulations on sharks.*
15A NCAC 10C .0425 *– Temporary adoption of this rule is necessary to maintain regulations on sheepshead.*
15A NCAC 10C .0426 *– Temporary adoption of this rule is necessary to maintain regulations on spanish mackerel.*
15A NCAC 10C .0427 *– Temporary adoption of this rule is necessary to maintain regulations on spot.*
15A NCAC 10C .0428 *– Temporary adoption of this rule is necessary to maintain regulations on tarpon.*
15A NCAC 10C .0429 *– Temporary adoption of this rule is necessary to maintain regulations on weakfish.*
15A NCAC 10C .0430 *– Temporary adoption of this rule is necessary to maintain regulations on other fishes.*
15A NCAC 10C .0701 *– Temporary adoption of this rule is necessary to maintain regulations on inland game fishes designated in coastal fishing waters.*
15A NCAC 10D .0240 *– Temporary adoption of this rule is necessary to maintain hunting seasons and management of Jordan game land.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0300 - GAME FISH

15A NCAC 10C .0307 ~~FLOUNDER, SEA TROUT, AND RED DRUM~~ FLOUNDER
~~In inland fishing waters, Sea Trout (Spotted or Speckled), Flounder, and Red Drum (also known as Channel Bass, Red Fish or Puppy Drum) recreational seasons, size limits, and creel limits are the same as those established in the Rules of the Marine Fisheries Commission or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.~~
(a) The daily creel limit for flounder is one fish.
(b) The minimum size limit is 15 inches.

(c) The season for taking and possessing flounder is September 1 through September 30.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Eff. November 1, 2013;
Readopted Eff. October 1, 2021;
Temporary Amendment Eff. September 1, 2022.

15A NCAC 10C .0314 STRIPED BASS

(a) The daily creel limit for ~~Striped Bass~~ striped bass and its hybrids is four fish in the aggregate, except in waters identified in Paragraphs ~~(b), (e), (f), (g), (h), (i), and (j)~~ (d) and (g) through (l) of this Rule.

(b) The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs ~~(b), (c), (d), (e), (f), (g), (h), (i), and (j)~~(d) through (l) of this Rule.

(c) There is no closed season, except for waters identified in Paragraphs ~~(g), (h), (i), (j), and (k)~~(i) through (m) of this Rule.

~~(b)~~(d) 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~~ striped bass and its hybrids is two in the aggregate and the minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel limit on ~~Striped Bass~~ striped bass and its hybrids is four in the aggregate with no minimum size limit.

~~(c)~~(e) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for ~~Striped Bass~~ 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)~~(f) In ~~Lake Norman,~~ Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend, and Salem Lake the minimum size limit for ~~Striped Bass~~ striped bass and its hybrids is 16 inches.

~~(e)~~(g) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but only two may be greater than 22 inches.

~~(f)~~(h) In Lake Mattamuskeet, 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 for ~~Striped Bass~~ striped bass and its hybrids is three fish in the aggregate, and the minimum size limit is 18 inches.

~~(g)~~(i) 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 ~~(f),~~ (h)~~(i), and (j)~~ and (j) through (l) of this Rule, the daily creel limit for ~~Striped Bass~~ striped bass and its hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and possessing ~~Striped Bass~~ striped bass is closed from May 1 through September 30.

~~(h)~~(j) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing ~~Striped Bass~~ striped bass is closed year-round.

~~(i)~~(k) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A NCAC 03R .0201 and identified in 15A NCAC 10C .0110 which includes the Roanoke, Cashie, Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing ~~Striped Bass~~ 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~~ striped bass and its hybrids is ~~two~~ one 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.~~

~~(j)~~(l) In designated inland and joint fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), the ~~Striped Bass~~ 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.

~~(k)~~(m) In accordance with G.S. 113-292, the Executive Director may, by proclamation, ~~suspend,~~ suspend or extend the hook-and-line season for ~~Striped Bass~~ 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. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;
Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2021; August 1, 2020;
Temporary Amendment Eff. September 1, 2022; November 30, 2021.

15A NCAC 10C .0325 SEA TROUT

(a) The daily creel limit for sea trout (spotted or speckled) is four fish.

(b) The minimum size limit is 14 inches.

(c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0326 RED DRUM

(a) The daily creel limit for red drum (also known as channel bass, red fish or puppy drum) is one fish.

(b) The minimum size limit is 18 inches and no fish over 27 inches may be possessed in the daily creel limit.

(c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES

(a) Except as permitted by the rules in this Section, ~~it is unlawful~~ no person shall ~~to~~ take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line, grabbling, or special device with a special device fishing ~~license.~~ license, or inland fishing license.

(b) Nongame fishes may be taken from inland fishing waters ~~by hook and line, grabbling, or special device with a special device fishing license~~ at any time without restriction as to size limits or creel limits, except as ~~designated~~ specified in this ~~Rule.~~ Section.

(c) Special devices ~~may only be~~ used ~~to take nongame fishes~~ with a special device fishing license shall only be used in those counties and waters with open season designated in ~~Rule .0407 of this Section.~~ 15A NCAC 10C .0407.

(d) Archery equipment ~~may~~ used with either a hunting license or inland fishing license may ~~only~~ be used to take nongame fishes year-round in all inland fishing waters, except:

(1) ~~for the take of catfish on~~ in the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and in all ~~tributaries.~~ tributaries, where only catfish can be taken;

(2) in impounded waters located on the Sandhills Game Land; and

(3) in public mountain trout waters.

(e) Set hooks, jug hooks, and trotlines may be used to take nongame fishes as designated in 15A NCAC 10C .0206.

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

~~(g) Freshwater mussels, including the Asiatic clam (Corbicula fluminea), may be taken only from impounded waters, except mussels shall not be taken in:~~

~~(1) Lake Waccamaw in Columbus County; and~~

~~(2) 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).~~

~~(h) 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.~~

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

~~(1) Roanoke River downstream of Roanoke Rapids Dam;~~

~~(2) Tar River downstream of Rocky Mount Mill Dam;~~

~~(3) Neuse River downstream of Falls Lake Dam;~~

~~(4) Cape Fear River downstream of Buckhorn Dam;~~

~~(5) Pee Dee River downstream of Blewett Falls Dam;~~

~~(6) Lumber River, including Drowning Creek;~~

~~(7) all the tributaries to the rivers listed above; and~~

~~(8) all other inland fishing waters east of I-95.~~

~~(j) 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 or blue catfish by means other than hook and line; the daily creel limit for channel catfish is seven. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.~~

~~(k) The daily creel limit for blue catfish greater than 32 inches is one fish in the following waters:~~

~~(1) Lake Norman;~~

~~(2) Mountain Island Lake;~~

~~(3) Lake Wylie;~~

~~(4) Badin Lake;~~

~~(5) Lake Tillery;~~

~~(6) John H. Kerr Reservoir (North Carolina portion);~~

~~(7) Dan River (Downstream of the Union Street Dam in Danville, VA);~~

~~(8) Lake Gaston (North Carolina portion); and~~

~~(9) Roanoke Rapids Reservoir.~~

~~(l) The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.~~

~~(m) The daily creel limit for American eels taken from or possessed, regardless or origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches. Eels greater than 9 inches in length and with a minimum body depth greater than ½ inch may be cut for use as bait.~~

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

~~(o) Grass carp shall not be taken or possessed on Lake Norman and the North Carolina portion of John H. Kerr Reservoir, except for scientific study by permit issued by the Wildlife Resources Commission.~~

~~(p) 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.~~

~~(q) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish specified in Paragraphs (h), (i), (k), (m), and (p) of this Rule having a size limit so as to render it impractical to measure its total original length, except as provided in Paragraph (m) of this Rule. No person while fishing shall change the appearance of any nongame fish specified in Paragraphs (g), (h), (j), (k), (l), (m), (n), (o), and (p) of this Rule having a daily creel limit so as to obscure its identification or render it impractical to count the number of fish in possession, except as provided in Paragraph (m) of this Rule.~~

~~(r)~~(g) Nongame fishes taken by hook and line, grabbling, or by special device with a special device fishing license may be ~~sold,~~ sold unless otherwise specified in this Section. ~~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.~~

~~(s) Margined madtom and tadpole madtom shall not be taken or possessed from inland fishing waters.~~

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, 2019; August 1, 2018; August 1, 2016; 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;
Readopted Eff. August 1, 2020;
Amended Eff. August 1, 2021;
Temporary Amendment Eff. September 1, 2022.

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

(a) The use of equipment specified in this Rule requires a valid license that provides basic inland fishing privileges.

~~(a)~~(b) 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 in Columbus County 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 dip net when used in conjunction with a licensed hand-crank electrofisher;

(6) a gig (except in Public Mountain Trout Waters);

(7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;

(8) up to two eel pots;

(9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;

(10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, from which all fish and animals are removed daily, and that are labeled with the user's Wildlife Resources Commission customer number or name and address;

(11) a hand-held line with a single bait attached;

(12) 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

(13) 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) The use of equipment under this Rule requires a valid license that provides basic inland fishing privileges.~~

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

(d) Game fishes taken shall be returned unharmed to the water, except for the following: ~~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).~~

(1) American and hickory shad may be taken when captured with dip nets and bow nets from March 1 through April 30 subject to the size and creel limits specified in 15A NAC 10C .0313.

(2) 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) subject to the size and creel limits specified in 15A NCAC 10C .0319.

(e) No person shall take or possess during one day more than 200 nongame fish, in aggregate, for bait or personal ~~consumption subject to the~~ consumption, accounting for species specific size and creel limits identified in ~~15A NCAC 10C.0401~~ Section .0400 of this Subchapter.

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

(g) It is unlawful to take nongame fish for bait from the following waters:

(1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);

(2) Bear Creek in Chatham County;

(3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;

(4) Fork Creek in Randolph County; and

(5) Rocky River in Chatham County.

~~(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit identified in 15A NCAC 10C .0401 so as to render it impractical to measure its total original length, except as provided in 15A NCAC 10C .0401(m). No person while fishing shall change the appearance of any nongame fish having a daily creel limit identified in 15A NCAC 10C .0401 so as to obscure its identification or render it impractical to count the number of fish in possession, except as provided in 15A NCAC 10C .0401(m).~~

History Note: Authority G.S. 113-134; 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, 2019; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006;
Readopted Eff. August 1, 2021;
Temporary Amendment Eff. September 1, 2022.

15A NCAC 10C .0409 TAKING AND POSSESSION OF NONGAME FISHES

(a) Individuals shall only take up to the daily creel limit of those species of nongame fish having a specified creel limit.
(b) Individuals shall only possess, on those waters being fished:
(1) the specified daily creel limit for the species;
(2) fish conforming to the size limit of the species; and
(3) the daily creel limit while fishing or afield.
(c) Individuals shall only possess up to three days creel limit at any place.
(d) No person, while fishing or afield, shall:
(1) remove the head or tail or otherwise change the appearance of any nongame fish specified in Section .0400 of this Subchapter as having a size limit, so as to render it impractical to measure its total original length, except for American Eel as provided in 15A NCAC 10C .0410.
(2) change the appearance of any nongame fish that has a species-specific daily creel limit in Section .0400 of this Subchapter, as to obscure its identification or render it impractical to count the number of fish in possession, except for American Eel as provided in 15A NCAC 10C .0410.

History Note: Authority G.S. 113-134; 113-292;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0410 AMERICAN EEL

(a) The daily creel limit for American eels taken from or possessed, regardless or origin, while boating on or fishing in inland fishing waters is 25.
(b) The minimum size limit is nine inches.
(c) There is no closed season.
(d) Eels greater than nine inches in length and with a minimum body depth greater than ½ inch may be cut for use as bait.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0411 ATLANTIC CROAKER

(a) The daily creel limit for Atlantic croaker is 50 fish.
(b) There is no minimum size limit.
(c) There is no closed season.
(d) Atlantic croaker shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0412 BLACK DRUM

(a) The daily creel limit for black drum is 10 fish.
(b) The minimum size limit is 14 inches and no fish over 25 inches may be possessed in the daily creel limit.
(c) There is no closed season.
(d) Black drum shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0413 BLUE CRAB

(a) Blue crabs shall have a minimum carapace width of five inches (point to point).
(b) It is unlawful to possess more than 50 crabs per person per day, or to exceed 100 crabs per vessel per day.
(c) There is no closed season.
(d) Blue crabs shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0414 BLUEFISH

(a) The daily creel limit for bluefish is three.
(b) There is no size limit.
(c) There is no closed season.
(d) Bluefish shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0415 BOWFIN

(a) There is no daily creel limit for bowfin.
(b) There is no minimum size limit.

(c) There is no closed season.
(d) Bowfin shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0416 BLUE CATFISH, CHANNEL CATFISH, AND FLATHEAD CATFISH
(a) There is no daily creel limit for blue, channel, and flathead catfish, except for waters identified in Paragraphs (e), (f), and (g) of this Rule.
(b) There is no minimum size limit.
(c) There is no closed season.
(d) 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, no person shall take channel or blue catfish by means other than hook and line.
(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, the daily creel limit for channel catfish is seven on waters posted with signs indicating the creel limit.
(f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following waters:
(1) Lake Norman;
(2) Mountain Island Lake;
(3) Lake Wylie;
(4) Badin Lake;
(5) Lake Tillery;
(6) John H. Kerr Reservoir (North Carolina portion);
(7) Dan River (Downstream of the Union Street Dam in Danville, VA);
(8) Lake Gaston (North Carolina portion); and
(9) Roanoke Rapids Reservoir.
(g) The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0417 COBIA
(a) The daily creel limit for cobia is one fish.
(b) The minimum size limit is 36 inches.
(c) The season for taking and possessing cobia is May 1 to December 31.
(d) Cobia shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0418 FRESHWATER MUSSELS
(a) Freshwater mussels, including the Asiatic clam (Corbicula fluminea), may only be taken from impounded waters, except mussels shall not be taken in:
(1) Lake Waccamaw in Columbus County; and
(2) University Lake in Orange County.
(b) 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).
(c) There is no minimum size limit.
(d) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0419 GRASS CARP
(a) There is no daily creel limit for grass carp, except for waters identified in Paragraphs (d) and (e) of this Rule.
(b) There is no minimum size limit.
(c) There is no closed season.
(d) Grass carp shall not be taken or possessed except that one fish per day may be taken with archery equipment on the following waters:
(1) Lake James;
(2) Lookout Shoals Lake;
(3) Mountain Island Reservoir; and
(4) Lake Wylie.
(e) Grass carp shall not be taken or possessed except for scientific study by permit issued by the Wildlife Resources Commission on the following waters:
(1) Lake Gaston (S.L. 2009-261);
(2) Roanoke Rapids Reservoir (S.L. 2009-261);
(3) Lake Norman; and
(4) the North Carolina portion of John H. Kerr Reservoir.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0420 KING MACKEREL
(a) The daily creel limit for king mackerel is three fish.
(b) The minimum size limit is 24 inches.
(c) There is no closed season.
(d) King mackerel shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0421 MARGINED MADTOM AND TADPOLE MADTOM
Margined madtom and tadpole madtom shall not be taken or possessed.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0422 STRIPED MULLET AND WHITE MULLET
(a) The daily creel limit for striped mullet and white mullet is 200 fish in aggregate.
(b) There is no minimum size limit.
(c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0423 ALEWIFE AND BLUEBACK HERRING
(a) There is no daily creel limit for alewife or blueback herring (river herring), except for waters identified in Paragraph (e) of this Rule.
(b) There is no minimum size limit, except for waters identified in Paragraph (d) of this Rule.
(c) There is no closed season.
(d) While boating on or fishing in the following inland fishing waters, no person shall take alewife and blueback herring that are greater than six inches in length, or possess such herring regardless of origin in:
(1) Roanoke River downstream of Roanoke Rapids Dam;
(2) Tar River downstream of Rocky Mount Mill Dam;
(3) Neuse River downstream of Falls Lake Dam;
(4) Cape Fear River downstream of Buckhorn Dam;
(5) Pee Dee River downstream of Blewett Falls Dam;
(6) Lumber River, including Drowning Creek;
(7) all the tributaries to the rivers listed above; and
(8) all other inland fishing waters east of I-95.
(e) It shall be unlawful to transport, possess, or release live alewife or blueback herring, in the waters of the Little Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.
(f) Alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties), may not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0424 SHARKS
Sharks shall not be taken or possessed.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0425 SHEEPSHEAD
(a) The daily creel limit for sheepshead is 10 fish.
(b) The minimum size limit is 10 inches.
(c) There is no closed season.
(d) Sheepshead shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0426 SPANISH MACKEREL
(a) The daily creel limit for Spanish mackerel is 15 fish.
(b) The minimum size limit is 12 inches.
(c) There is no closed season.
(d) Spanish mackerel shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0427 SPOT
(a) The daily creel limit for spot is 50 fish.
(b) There is no minimum size limit.
(c) There is no closed season.
(d) Spot shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0428 TARPON
Tarpon shall not be taken or possessed.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0429 WEAKFISH (GRAY TROUT)
(a) The daily creel limit for weakfish (gray trout) is one fish.
(b) The minimum size limit is 12 inches.
(c) There is no closed season.
(d) Weakfish shall not be sold.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

15A NCAC 10C .0430 OTHER FISHES
(a) For any nongame fish species not specifically listed in this Section, there is no daily creel limit.
(b) There is no size limit.
(c) There is no closed season.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Temporary Adoption Eff. September 1, 2022.

SECTION .0700 – GAME FISH IN COASTAL FISHING WATERS

15A NCAC 10C .0701 INLAND GAME FISHES DESIGNATED IN COASTAL FISHING WATERS

(a) For the purposes of this rule, only the following fishes are classified and designated as inland game fishes in coastal fishing waters:

(1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
(2) black crappie and white crappie;
(3) chain pickerel (jack), muskellunge, and redfin pickerel;
(4) kokanee salmon;
(5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;
(6) Roanoke bass and rock bass (redeye);
(7) sauger and walleye; and
(8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker), warmouth, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule.

(b) Inland game fishes shall not be taken by any method other than with hook and line, except that landing nets may be used to land fishes caught on hook and line.

(c) Size, creel limits, and seasons for inland game fishes in coastal fishing waters shall be the same as those in inland waters designated in Section .0300 of this Subchapter.

(d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water unharmed.

(e) Inland game fishes taken from coastal fishing waters shall not be sold.

(f) Individuals shall only take up to the daily creel limit of those species of inland game fish having a specified creel limit.

(g) Individuals shall only possess, on those waters being fished:

(1) the specified daily creel limit for the species;
(2) fish conforming to the size limit for the species; and
(3) the daily creel limit while fishing or afield.

(h) Individuals shall only possess up to three days creel limit at any place.

(i) No person, while fishing or afield, shall:

(1) unnecessarily destroy any inland game fish taken from public fishing waters;
(2) remove the head or tail or otherwise change the appearance of any game fish having a size limit so to render it impracticable to measure its total original length; or
(3) change the appearance of any game fish having a daily creel limit so to obscure its identification or render it impracticable to count the number of fish in possession.

History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;
Temporary Adoption Eff. September 1, 2022.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0200 – USE OF GAMELANDS

15A NCAC 10D .0240 JORDAN GAME LAND IN CHATHAM, DURHAM, ORANGE, AND WAKE COUNTIES

Jordan game land is a Six Days per Week ~~Area. The following applies:~~ Area, in which the following applies:

(1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
(2) Waterfowl may be taken only on:
  (a) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
  (b) Thanksgiving, Christmas, and New Year's Days; and
  (c) the opening and closing days of the applicable waterfowl seasons.
(3) Horseback riding, including all equine species, is allowed only 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 seven days per week from May 16 through August 31, and on Sundays only from September 1 through May 15. People age 16 or older shall obtain a game land license prior to engaging in horseback riding on any area other than the American Tobacco Trail.
(4) Target shooting is prohibited.
(5) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
(6) 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.
(7) Camping and the presence of campers and tents in designated and posted Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14. The maximum period of consecutive overnight camping at any posted camping area is 14 days within any 30-day period.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;
Temporary Adoption Eff. October 1, 2022.

This Section contains information for the meeting of the Rules Review Commission August 18, 2022 and August 25, 2022 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 984-236-1850. 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
Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jeff Hyde
Robert A. Rucho

Appointed by House
Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939

RULES REVIEW COMMISSION MEETING DATES

October 20, 2022	December 15, 2022
November 17, 2022	January 19, 2023

RULES REVIEW COMMISSION MEETING
MINUTES
August 18, 2022

The Rules Review Commission met on Thursday, August 18, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho were present in the Commission Room. Commissioner Jeff Hyde was present via WebEx.

Staff members Alexander Burgos; Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

Chair Doran introduced Chief Administrative Law Judge, Donald R. van der Vaart, to the Commission.

Chief Administrative Law Judge, Donald R. van der Vaart administered the Oath of Office to reappointed Commissioners Jeanette Doran, Randy Overton, and Paul Powell.

Reappointed Commissioner Jeff Hyde was sworn in before the meeting.

The Chair read into the record the Evaluation of Statement of Economic Interest for Jeanette Doran, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Randy Overton which states the NC Ethics Commission did not find an actual conflict of interest or the likelihood for a conflict of interest.

DRAFT

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the July 21, 2022, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters for the Board of Agriculture Tab A and Medical Care Commission Tab B, Temporary Rules for Wildlife Resources Commission.

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 52J .0101, .0102, .0103, .0104, .0105, .0202, .0203, .0204, .0206, .0207, .0209, .0210, .0302, .0303, .0304, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0501, .0701, .0703, .0705, .0801, .0802, .0803, .0901, and .0902 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission objected to 02 NCAC 52J .0201, .0205, .0208, .0301, .0408, .0418, .0419, .0702, and .0704 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

The Commission objected to 02 NCAC 52J .0201, .0208, .0408, .0418, .0419, .0702, and .0704 pursuant to G.S. 150B-21.9(a)(2) finding the rules as written, to be unclear or ambiguous. Specifically, the RRC adopted the opinion of counsel by reference regarding the issue of ambiguity.

The Commission objected to 02 NCAC 52J .0205 and .0301 pursuant to G.S. 150B-21.9(a)(1) finding that the rules exceed the agency's authority. Specifically, the RRC adopted the opinion of counsel by reference regarding the issue of lack of statutory authority.

Chris McClennan with the Department of Justice and representing the agency, addressed the Commission.

Medical Care Commission

Upon the call of the Chair, the Commission objected to 10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

The RRC objected to the rules finding that the rules were not within the statutory authority delegated to the Medical Care Commission pursuant to G.S. 150B-21.9(a)(1). Additionally, the RRC objected to Rule .4805 on the basis that the Rule was not clear and unambiguous pursuant to G.S. 150B-21.9(a)(2). Specifically, the RRC adopted the staff opinion of counsel incorporated by reference.

Dr. John Meier with the agency, addressed the Commission.

Kim Randolph with the Department of Justice, and representing the agency, addressed the Commission.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 09G .0205 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

DRAFT

Sheriffs' Education and Training Standards Commission
12 NCAC 10B .0704 - The agency is addressing the objection from the July meeting. No action was required by the Commission.

Environmental Management Commission
15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Environmental Management Commission
15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Environmental Management Commission
15A NCAC 02Q .0103, .0503, .0504, .0505, .0507, .0508, .0509, .0514, .0516, .0518, .0521, .0522, .0525, and .0526 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Coastal Resources Commission
15A NCAC 07H .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0601, .0602, .0603, .0604; 07I .0204, .0302, .0305, .0306, .0401, .0402, .0406, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0601, .0602, .0701, .0702; 07J .0102, .0201, .0203, .0204, .0206, .0207, .0208, .0209, .0210, .0211, .0301, .0302, .0312, .0602, .0603, .0604, .0605, .0701, .0702, and .0703 - The agency is addressing the request for changes from the July meeting. No action was required by the Commission.

Coastal Resources Commission
Upon the call of the Chair, 15A NCAC 07H .1805 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

15A NCAC 07H .1301, .1302, .1303, .1304, .1305, .1401, .1402, .1403, .1404, .1405, .1501, .1502, .1503, .1504, .1505, .1601, .1602, .1603, .1604, .1605, .2001, .2002, .2003, .2004, .2005, .2101, .2102, .2103, .2104, .2105, .2201, .2202, .2203, .2204, .2205, .2301, .2302, .2303, .2304, .2305, .2401, .2402, .2403, .2404, .2405, .2601, .2602, .2603, .2604, .2605, .2701, .2702, .2703, .2704, and .2705 - The agency is addressing the request for changes from the July meeting. No action was required by the Commission.

Coastal Resources Commission
15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0503, .0601, .0602, .0603, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0902, .1001, .1002, .1101, .1102, .1201, and .1202 2705 - The agency is addressing the request for changes from the July meeting. No action was required by the Commission.

Board of Physical Therapy Examiners
21 NCAC 48B .0102; 48E .0104; 48F .0101, .0103; 48G .0105, .0203, and .0504 were withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Credit Union Division
Upon the call of the Chair, 04 NCAC 06C was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Environmental Management Commission 15A NCAC 02B, 02P
Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 02B .0211; 02P .0101, .0102, .0103, .0201, .0202, .0301, .0302, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 by roll-call vote, ayes 8, noes 0 as

DRAFT

follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission entered a motion to reconsider Rule 15A NCAC 02B .0211 for approval at this meeting and rescind the prior vote to grant an extension on the rule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None. The motion was granted.

Upon the call of the Chair, 15A NCAC 02B .0211 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 02P .0101, .0102, .0103, .0201, .0202, .0301, .0302, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Jennifer Everett, the rulemaking coordinator with the agency, addressed the Commission.

Marine Fisheries Commission/Wildlife Resources Commission 15A NCAC 03Q
Wildlife Resources Commission/Marine Fisheries Commission 15A NCAC 10C
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Wildlife Resources Commission
Upon the call of the Chair, 15A NCAC 10D .0201, .0202, .0203, .0206, .0208, .0209, .0210, .0213, .0214, .0215, .0216, .0217, .0218, .0219, .0220, .0221, .0222, .0224, .0226, .0227, .0228, .0229, .0230, .0232, .0233, .0237, .0239, .0240, .0241, .0243, .0245, .0246, .0247, .0248, .0249, .0250, .0251, .0252, .0254, .0255, .0256, .0257, .0258, .0259, .0260, .0261, .0267, .0270, .0271, .0272, .0275, .0276, .0277, .0279, .0282, .0283, .0284, .0285, .0286, .0288, .0292, and .0293 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

15A NCAC 10D .0211 and .0278 were withdrawn at the request of the agency. No action was required by the Commission.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date of 15A NCAC 10D .0229.

Environmental Management Commission 15A NCAC 13B
Upon the call of the Chair, the amendments to 15A NCAC 13B .0535(b) and 15A NCAC 13B .1617(b) submitted pursuant to S.L. 2021-153 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting
in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None. The Commission did not review the rules in their entirety but only those portions submitted for review.

Department of Transportation
Prior to the review of the rule from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rule because his family is in litigation with the Department of Transportation.

Upon the call of the Chair, 19A NCAC 02D .0803 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

Building Code Council
Upon the call of the Chair, 2018 NC Building Code/Oil Separators Required 1003.4 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10C .0307, .0314, .0325, .0326, .0401, .0402, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, .0701; and 10D .0240 were approved by roll-call vote, ayes 7, noes 1 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Paul Powell, and Bob Rucho – 7. Voting in the negative: Randy Overton - 1.

Philip Reynolds, with the Department of Justice and representing Marine Fisheries Commission and the DEQ -Division of Marine Fisheries, addressed the Commission.

Christian Waters with the Wildlife Resources Commission, addressed the Commission.

The Chair called the meeting into a brief recess at 10:27 a.m.
The meeting resumed at 10:37 a.m.

Following recess and prior to Commission Business, the Commission agreed to take comments on Follow-up matters Tabs E and F for the Environmental Management Commission at the request of Philip Reynolds with the Department of Justice representing the agency in these matters.

Philip Reynolds with the Department of Justice and representing the agency, addressed the Commission.

Chris Millis with the North Carolina Home Builders Association addressed the Commission.

Robert El-Jaouhari with Cranfill Sumner LLP., representing the City of Reidsville, addressed the Commission.

Julie Youngman with the Southern Environmental Law Center addressed the Commission.

COMMISSION BUSINESS

The Commission voted to amend Rule 26 NCAC 05 .0211 to add reports from the Mining Commission to the periodic review schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The Chair continued the pre-review discussion and took comments from the public in attendance.

Bain Jones of the North Carolina Bar Association addressed the Commission.

Fred Moreno of the North Carolina Real Estate Commission addressed the Commission.

The Commission voted to schedule a special meeting on Thursday, August 25, 2022, at 10:30 a.m. to review temporary rules filed by the State Board of Elections by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The meeting adjourned at 11:31 a.m.

The next regularly scheduled meeting of the Commission is Thursday, September 15, 2022, at 9:00 a.m.

_____
Alexander Burgos, Paralegal

_____
Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

August 18, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Jennifer Everett	DEQ
Hannah Jernigan	DOT
Nadine Pfeiffer	DHHS/DHSR
Kim Randolph	DOJ
Phillip Reynolds	DOJ
Ann B. Wall	S.O.S.
Peter Daniel	NC Chamber
CHRIS MILLIS	NCHBA
Patricia Norris	NCDA
Robert El-Jaouhari	Cranfill Sumner LLP
Chris McLennan	NCDOJ
CHRIS VENTALORO	NCDEQ
Carrie Ruhlman	NCWRC
Christian Waters	NCWRC
Patrick Mincey	Attorney
Don d'Ambrosi	NCGA
Alex Conley	NCDHHS / DHSR
Anna Hayworth	NCDAHCS
Julie Youngman	SELC
Madison Allgood	NCGA
Karen Higgins	NC DEQ

August 18, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
John Merritt	MCC
Brian Jones	NCBA
Fred Morano	NCREC

Rules Review Commission Meeting August 18, 2022
Via WebEx

Name	Agency
John Mchugh	aspca.org
Christine Ryan	Auditor
Dennis Seavers	Barbers Examiners
Alexander Elkan	brookspierce.com
George House	brookspierce.com
Leslie Dismukes	CJETS
Michelle Schilling	CJETS
Vince Eisinger	cshlaw.com
Christine Goebel	DEQ
Jessica Montie	DEQ
Chris Ventaloro	DEQ
Shelton Sullivan	DEQ
Bridget Shelton	DEQ
Katherine Quinlan	DEQ
Sue Homewood	DEQ
Joey Hester	DEQ
Elizabeth Kountis	DEQ
Craig Bromby	DEQ
Craig Bromby	DEQ
Janssen White	DHHS
Shazia Keller	DHHS
Greta Hill	DHHS
Mark Payne	DHHS
Shelby Taylor	DHHS
Tammy Sylverster	DHHS
Debbie Mccarty	DHHS
Bethany Burgon	DOJ
Rana Badwan	DOJ
Christine Ryan	DOJ
David Rittlinger	DOJ
S Jones	DOJ
Richard Squires	DOJ
Daniel Johnson	DOT
Patrick Knowlson	EMC
Paul Wojoski	EMC
Dustin Doty	faypwc.com
James West	faypwc.com
Amy Varinoski	greensboro-nc.gov
Alicia Goots	greensboro-nc.gov
Martie Groome	greensboro-nc.gov
Catherine Blum	MFC

Ross Smith	myncma.org
Ross Smith	myncma.org
Jasper Stem	ncaggregates.org
Michael Martin	ncagr.gov
Grady O'brien	ncconservationnetwork.org
Grady Mccallie	ncconservationnetwork.org
Tony Knox	Credit Union
Laura Lansford	NCDOR
Anne Coan	ncfb.org
Makeda Harris	NCHA
Karen Hammonds-Blanks	ncleg.gov
Susan Camilleri	ncleg.gov
Joshua Yost	ncleg.gov
Julie Ventaloro	osbm.nc.gov
Mary Maclean Asbill	selcnc.org
Hannah Nelson	selcnc.org
Kelly Moser	selcnc.org
Laura Rowe	Treasurer

STATE ETHICS COMMISSION
POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

August 12, 2022

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Evaluation of Statement of Economic Interest Filed by Ms. Jeanette K. Doran
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received **Ms. Jeanette K. Doran's** 2022 Statement of Economic Interest as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking; those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Ms. Doran fills the role of a public member on the Commission. She is the President and General Counsel for the North Carolina Institute for Constitutional Law (NCICL). In addition, Ms. Doran serves as a board member of the Conservatives for Criminal Justice Reform. Because the NCICL could represent clients who come before the Commission during the rulemaking process, she has the potential for a conflict of interest. Therefore, Ms. Doran should exercise appropriate caution in the performance of her public duties should issues involving the NCICL or any of its clients come before the Commission for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden

Mary Roerden, SEI Unit
State Ethics Commission

cc: Jeanette K. Doran
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide

STATE ETHICS COMMISSION
POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

August 12, 2022

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

Re: Evaluation of Statement of Economic Interest Filed by Mr. Randy O. Overton
Member of the Rules Review Commission

Dear Speaker Moore:

Our office has received **Mr. Randy O. Overton's** 2021 Statement of Economic Interest and 2022 No-Change form as a member of the **Rules Review Commission (the "Commission")**. We have reviewed the 2021 Statement of Economic Interest for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest or the likelihood for a conflict of interest.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking; those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Overton fills the role of a public member on the Commission.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden

Mary Roerden, SEI Unit
State Ethics Commission

cc: Randy O. Overton
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

OATH OF OFFICE

I, Jeanette K. Doran, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Jeanette K. Doran, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Jeanette K. Doran, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

SIGNATURE

Donald R. van der Vaart
Chief Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 18th day of August 2022.

Andrew Hatch, Notary Public

My Commission Expires: 6-16-24

ANDREW STEPHAN HATCH
NOTARY PUBLIC
DAVIDSON COUNTY, NC
My Commission Expires 06-16-24

1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

OATH OF OFFICE

I, Paul Powell, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Paul Powell, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Paul Powell, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

Paul Powell Jr
SIGNATURE

Donald R. van der Vaart
Chief Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 18th day of August 2022.

Andrew Hatch, Notary Public

My Commission Expires: 6-16-24

ANDREW STEPHAN HATCH NC
My Commission Expires
NOTARY PUBLIC
06-16-24
DAVIDSON COUNTY

1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

OATH OF OFFICE

I, Randy O. Overton, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Randy O. Overton, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Randy O. Overton, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

SIGNATURE

Donald R. van der Vaart
Chief Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Wake County, North Carolina

Sworn and subscribed before me this the 18th day of August 2022.

Andrew Hatch, Notary Public

My Commission Expires: 6-16-24

ANDREW STEPHAN HATCH
My Commission Expires
NOTARY
PUBLIC
06-16-24
DAVIDSON COUNTY, NC

1711 NEW HOPE CHURCH ROAD / TELEPHONE: (984) 236-1850 / RALEIGH, NORTH CAROLINA 27609

STATE OF NORTH CAROLINA
OFFICE OF THE ADMINISTRATIVE HEARINGS

OATH OF OFFICE

I, Jeffery Hyde, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, Jeffery Hyde, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, Jeffery Hyde, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

Jeffery Thomas Hyde
SIGNATURE

D. van der Vaart
Donald R. van der Vaart
Chief Administrative Law Judge
Office of Administrative Hearings
State of North Carolina

Guilford County, North Carolina

Sworn and subscribed before me this the 17th day of August 2022.

Andrew Stephan Hatch
Andrew Stephan Hatch, Notary Public
My Commission Expires: 6-16-24

ANDREW STEPHAN HATCH
My Commission Expires
NOTARY PUBLIC
06-16-24
DAVIDSON COUNTY, NC

6714 MAIL SERVICE CENTER / TELEPHONE: (919) 431-3000 / RALEIGH, NORTH CAROLINA 27699-6714

LIST OF APPROVED PERMANENT RULES
August 18, 2022 Meeting

AGRICULTURE, BOARD OF

Records; Animal Shelters, Etc.	02 NCAC	52J	.0101
Records; Boarding Kennels	02 NCAC	52J	.0102
Inspection of Records	02 NCAC	52J	.0103
Definitions	02 NCAC	52J	.0104
Licenses and Registrations	02 NCAC	52J	.0105
Indoor Facilities	02 NCAC	52J	.0202
Outdoor Facilities	02 NCAC	52J	.0203
Primary Enclosures	02 NCAC	52J	.0204
Watering	02 NCAC	52J	.0206
Sanitation	02 NCAC	52J	.0207
Classification and Separation	02 NCAC	52J	.0209
Veterinary Care	02 NCAC	52J	.0210
Primary Enclosures Used in Transporting Dogs and Cats	02 NCAC	52J	.0302
Food and Water Requirements	02 NCAC	52J	.0303
Care in Transit	02 NCAC	52J	.0304
Adoption by Reference	02 NCAC	52J	.0401
Authorized Persons	02 NCAC	52J	.0402
Definitions	02 NCAC	52J	.0403
Certification Requirements for Euthanasia Technicians	02 NCAC	52J	.0404
Certification Standards	02 NCAC	52J	.0405
Application Requirements	02 NCAC	52J	.0406
Training and Examinations	02 NCAC	52J	.0407
Probationary Euthanasia Technicians	02 NCAC	52J	.0409
Exam Required	02 NCAC	52J	.0410
New Application	02 NCAC	52J	.0411
Issuance of Certification	02 NCAC	52J	.0412
Length of Certification	02 NCAC	52J	.0413
Termination of Employment	02 NCAC	52J	.0414
Notice of Termination	02 NCAC	52J	.0415
Recertification	02 NCAC	52J	.0416
Certification Renewal	02 NCAC	52J	.0417
Intracardiac Injection	02 NCAC	52J	.0501
Methods of Euthanasia Permitted Under Extraordinary Circu...	02 NCAC	52J	.0701
Methods and Standards	02 NCAC	52J	.0703
Reports	02 NCAC	52J	.0705
Manual Required	02 NCAC	52J	.0801
Contents	02 NCAC	52J	.0802
Additional Contents	02 NCAC	52J	.0803
Eligible Expenses	02 NCAC	52J	.0901
Application Guidelines	02 NCAC	52J	.0902

CREDIT UNION DIVISION

Loans to Credit Union Officials	04 NCAC	06C	.0205

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Minimum Standards for Criminal Justice Officers	12 NCAC	09B	.0101
Fingerprint Criminal History Record Check	12 NCAC	09B	.0103
Physical and Mental Standards	12 NCAC	09G	.0205

ENVIRONMENTAL MANAGEMENT COMMISSION

Fresh Surface Water Quality Standards for Class C Waters	15A NCAC	02B	.0211
Definitions	15A NCAC	02Q	.0103
Definitions	15A NCAC	02Q	.0503
Option for Obtaining Construction and Operation Permit	15A NCAC	02Q	.0504
Application Submittal Content	15A NCAC	02Q	.0505
Application	15A NCAC	02Q	.0507
Permit Content	15A NCAC	02Q	.0508
Permitting of Numerous Similar Facilities	15A NCAC	02Q	.0509
Administrative Permit Amendments	15A NCAC	02Q	.0514
Significant Permit Modification	15A NCAC	02Q	.0516
Final Action	15A NCAC	02Q	.0518
Public Participation	15A NCAC	02Q	.0521
Review by EPA and Affected States	15A NCAC	02Q	.0522
Application Processing Schedule	15A NCAC	02Q	.0525
112(J) Case-By-Case MACT Procedures	15A NCAC	02Q	.0526

MARINE FISHERIES COMMISSION/WILDLIFE RESOURCES COMMISSION

Scope and Purpose	15A NCAC	03Q	.0101
Inland Fishing Waters	15A NCAC	03Q	.0102
Coastal Fishing Waters	15A NCAC	03Q	.0103
Joint Fishing Waters	15A NCAC	03Q	.0104
Posting Dividing Lines	15A NCAC	03Q	.0105
Applicability of Rules: Joint Waters	15A NCAC	03Q	.0106
Special Regulations: Joint Waters	15A NCAC	03Q	.0107
Management Responsibility for Estuarine Striped Bass in J...	15A NCAC	03Q	.0108
Implementation of Estuarine Striped Bass Management Plans...	15A NCAC	03Q	.0109

COASTAL RESOURCES COMMISSION

Specific Conditions	15A NCAC	07H	.1805

WILDLIFE RESOURCES COMMISSION/MARINE FISHERIES COMMISSION

Scope and Purpose	15A NCAC	10C	.0101
Inland Fishing Waters	15A NCAC	10C	.0102
Coastal Fishing Waters	15A NCAC	10C	.0103
Joint Fishing Waters	15A NCAC	10C	.0104
Posting Dividing Lines	15A NCAC	10C	.0105
Applicability of Regulations: Joint Waters	15A NCAC	10C	.0106
Special Regulations: Joint Waters	15A NCAC	10C	.0107
Specific Classification of Waters	15A NCAC	10C	.0108
Protection of Sea Turtles	15A NCAC	10C	.0109
Management Responsibility for Estuarine Striped Bass in W...	15A NCAC	10C	.0110

Implementation of Estuarine Striped Bass Management Plans...	15A NCAC	10C	.0111

WILDLIFE RESOURCES COMMISSION

Alligator River Game Land in Tyrrell County	15A NCAC	10D	.0201
Angola Bay Game Land in Duplin and Pender Counties	15A NCAC	10D	.0202
Bachelor Bay Game Land in Bertie and Washington Counties	15A NCAC	10D	.0203
Brinkleyville Game Land in Halifax County	15A NCAC	10D	.0206
Buckridge Game Land in Tyrrell County	15A NCAC	10D	.0208
Buffalo Cove Game Land in Caldwell and Wilkes Counties	15A NCAC	10D	.0209
Bullard and Branch Hunting Preserve Game Lands in Robeson...	15A NCAC	10D	.0210
Cape Fear River Wetlands Game Land in Pender County	15A NCAC	10D	.0213
Carteret County Game Land in Carteret County	15A NCAC	10D	.0214
Wayne Bailey-Caswell Game Land in Caswell County	15A NCAC	10D	.0215
Chatham Game Land in Chatham County	15A NCAC	10D	.0216
Chowan Game Land in Chowan County	15A NCAC	10D	.0217
Chowan Swamp Game Land in Bertie, Gates, and Hertford Cou...	15A NCAC	10D	.0218
Cold Mountain Game Land in Haywood County	15A NCAC	10D	.0219
Columbus County Game Land in Columbus County	15A NCAC	10D	.0220
Croatan Game Land in Carteret, Craven, and Jones Counties	15A NCAC	10D	.0221
Currituck Banks Game Land in Currituck County	15A NCAC	10D	.0222
Dare Game Land in Dare and Hyde Counties	15A NCAC	10D	.0224
Dupont State Forest Game Lands in Henderson and Transylva...	15A NCAC	10D	.0226
Elk Knob Game Land in Watauga County	15A NCAC	10D	.0227
Embro Game Land in Halifax and Warren Counties	15A NCAC	10D	.0228
Goose Creek Game Land in Beaufort and Pamlico Counties	15A NCAC	10D	.0229
Green River Game Land in Henderson and Polk Counties	15A NCAC	10D	.0230
Gull Rock Game Land in Hyde County	15A NCAC	10D	.0232
Harris Game Land in Chatham, Harnett, and Wake Counties	15A NCAC	10D	.0233
Hyco Game Land in Person County	15A NCAC	10D	.0237
Johns River Game Land in Burke County	15A NCAC	10D	.0239
Jordan Game Land in Chatham, Durham, Orange, and Wake	15A NCAC	10D	.0240
Juniper Creek Game Land in Brunswick and Columbus Counties	15A NCAC	10D	.0241
Kings Creek Game Lands in Caldwell and Wilkes Counties	15A NCAC	10D	.0243
Lee Game Land in Lee County	15A NCAC	10D	.0245
Light Ground Pocosin Game Land in Pamlico County	15A NCAC	10D	.0246
Linwood Game Land in Davidson County	15A NCAC	10D	.0247
Lower Fishing Creek Game Land in Edgecombe and Halifax Co...	15A NCAC	10D	.0248
Mayo Game Land in Person County	15A NCAC	10D	.0249
Mitchell River Game Land in Surry County	15A NCAC	10D	.0250
Nantahala Game Land in Cherokee, Clay, Graham, Jackson, M...	15A NCAC	10D	.0251
Needmore Game Land in Macon and Swain Counties	15A NCAC	10D	.0252
New Lake Game Land in Hyde and Tyrrell Counties	15A NCAC	10D	.0254
Nicholson Creek Game Land in Hoke County	15A NCAC	10D	.0255
North River Game Land in Camden and Currituck Counties	15A NCAC	10D	.0256
Northwest River Marsh Game Land in Currituck County	15A NCAC	10D	.0257
Pee Dee River Game Land in Anson, Montgomery, Richmond, a...	15A NCAC	10D	.0258
Perkins Game Land in Davie County	15A NCAC	10D	.0259
Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Hay...	15A NCAC	10D	.0260

Pond Mountain Game Land in Ashe County	15A NCAC	10D	.0261
Robeson Game Land in Robeson County	15A NCAC	10D	.0267
Sampson Game Land in Sampson County	15A NCAC	10D	.0270
Sandhills Game Land in Hoke, Moore, Richmond, and Scotlan...	15A NCAC	10D	.0271
Sandy Creek Game Land in Nash and Franklin Counties	15A NCAC	10D	.0272
Shocco Creek Game Land in Franklin, Halifax, Nash, and Wa...	15A NCAC	10D	.0275
South Mountains Game Land in Burke, Cleveland, McDowell, ...	15A NCAC	10D	.0276
Stones Creek Game Land in Onslow County	15A NCAC	10D	.0277
Suggs Sutton Lake Game Land in New Hanover and Brunswick ...	15A NCAC	10D	.0279
Three Top Mountain Game Land in Ashe County	15A NCAC	10D	.0282
Thurmond Chatham Game Land in Alleghany and Wilkes Counties	15A NCAC	10D	.0283
Tillery Game Land in Halifax County	15A NCAC	10D	.0284
Toxaway Game Land in Jackson and Transylvania Counties	15A NCAC	10D	.0285
Uwharrie Game Land in Davidson, Montgomery, and Randolph ...	15A NCAC	10D	.0286
Van Swamp Game Land in Beaufort and Washington Counties	15A NCAC	10D	.0288
William H. Silver Game Land in Haywood County	15A NCAC	10D	.0292
Yadkin River Game Land in Davidson, Davie, Montgomery, Ro...	15A NCAC	10D	.0293

ENVIRONMENTAL MANAGEMENT COMMISSION

Application Requirements for C&DLF Facilities	15A NCAC	13B	.0535
Application Requirements for MSWLF Facilities	15A NCAC	13B	.1617

TRANSPORTATION, DEPARTMENT OF

Advertisement and Invitation for Bids	19A NCAC	02D	.0803

BUILDING CODE COUNCIL

2018 NC Building Code/Oil Separators Required	1003.4

LIST OF APPROVED TEMPORARY RULES
August 18, 2022 Meeting

WILDLIFE RESOURCES COMMISSION

Flounder	15A NCAC	10C	.0307
Striped Bass	15A NCAC	10C	.0314
Trout	15A NCAC	10C	.0325
Red Drum	15A NCAC	10C	.0326
Manner of Taking Nongame Fishes	15A NCAC	10C	.0401
Taking Nongame Fishes by Special Device for Bait or Perso...	15A NCAC	10C	.0402
Taking and Possession of Nongame Fishes	15A NCAC	10C	.0409
American Eel	15A NCAC	10C	.0410
Atlantic Croaker	15A NCAC	10C	.0411
Black Drum	15A NCAC	10C	.0412
Blue Crab	15A NCAC	10C	.0413
Bluefish	15A NCAC	10C	.0414
Bowfin	15A NCAC	10C	.0415
Blue Catfish, Channel Catfish, and Flathead Catfish	15A NCAC	10C	.0416
Cobia	15A NCAC	10C	.0417

Freshwater Mussels	15A NCAC	10C	.0418
Grass Carp	15A NCAC	10C	.0419
King Mackerel	15A NCAC	10C	.0420
Margined Madtom and Tadpole Madtom	15A NCAC	10C	.0421
Striped Mullet and White Mullet	15A NCAC	10C	.0422
Alewife and Blueback Herring	15A NCAC	10C	.0423
Sharks	15A NCAC	10C	.0424
Sheepshead	15A NCAC	10C	.0425
Spanish Mackerel	15A NCAC	10C	.0426
Spot	15A NCAC	10C	.0427
Tarpon	15A NCAC	10C	.0428
Weakfish (Gray Trout)	15A NCAC	10C	.0429
Other Fishes	15A NCAC	10C	.0430
Inland Game Fishes Designated in Coastal Fishing Waters	15A NCAC	10C	.0701
Jordan Game Land in Chatham, Durham, Orange, and Wake Cou...	15A NCAC	10D	.0240

RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
August 25, 2022

The Rules Review Commission met for a Special Meeting on Thursday, August 25, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The special meeting was called pursuant to G.S. 150B-21.1(b1), to review temporary rules filed by the State Board of Elections.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Barbara Jackson, and Bob Rucho were present in the Commission Room. Commissioners Randy Overton and Paul Powell were present via WebEx.

Staff members present were Alexander Burgos, Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee.

The meeting was called to order at 10:30 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting

State Board of Elections
08 NCAC 10B .0101
Commissioner Atkins made a motion to adopt staff's recommendation to object to the rule on the grounds outlined in Commission Counsel's staff opinion. The motion was seconded by Commissioner Bryan.

At the discretion of the Chair, Rule 26 NCAC 05 .0104 was waived, and the written public comments of Cleta Mitchell were accepted by the Commission.

Following the discussion of the Rule, Commissioner Jackson entered a motion to amend the main motion of Commissioner Atkins to remove all staff recommendations to the permanent rule not subject to the amendment of this temporary rule. The Motion was seconded by Commissioner Rucho. The motion carried by roll-call vote, ayes 5, noes 4 as follows: Voting in the affirmative: Bobby Bryan, Jeanette Doran, Barbara Jackson, Paul Powell, and Bob Rucho – 5. Voting in the negative: Andrew Atkins, Wayne R. Boyles III, Jeff Hyde, and Randy Overton - 4.

Commissioner Atkins made a motion that was seconded by Commissioner Jackson to waive Rule 26 NCAC 05 .0105 and consider the late amendment of Rule 08 NCAC 10B .0101 to strike out "policies" and "numbered memos". The motion carried by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: - 0.

The Commission entered discussion on the main motion. After some discussion, Commissioner Atkins withdrew the motion without objection.

Commissioner Boyles made a motion to reinstate the original motion to accept staff's recommendation to object to the rule outlined in the staff opinion. There was no second and the motion was withdrawn.

Commissioner Hyde made a motion to object to the temporary rule finding that the State Board of Elections had not satisfied the findings of need statutory threshold to adopt temporary rules. The motion was seconded by Commissioner Rucho.

Commissioner Rucho made a motion to amend the main motion to include objections based upon the rule being unclear and ambiguous and lack of necessity. The motion was seconded by Commissioner Boyles. Commissioner Rucho withdrew his motion without objection.

The Commission objected to temporary Rule 08 NCAC 10B .0101 finding that the State Board of Elections' statements of the findings of need pursuant to G.S. 150B-21.1(b) do not meet the criteria listed in G.S. 150B-21.1(a). Specifically, the Commission found that the Board failed to establish that adherence to the notice and hearing requirements of G.S. 150B-21.2 was contrary to the public interest or the need for the rule to become immediately effective in order to preserve the integrity of the November 2022 elections and the election process, by roll-call vote, ayes 7, noes 1 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: Andrew Atkins - 1.

Paul Cox, with the Department of Justice and representing the agency, addressed the Commission.

Karen Raines, a citizen, addressed the Commission.

Jim Womack, with the North Carolina Election Integrity Team, addressed the Commission.

Andy Jackson, with The John Locke Foundation, addressed the Commission.

Cleta Mitchell, with the Conservative Partnership Institute, addressed the Commission.

Lynn Bernstein, with Transparent Elections North Carolina, addressed the Commission.

The Chair called the meeting into a brief recess at 12:17 p.m.
The meeting resumed at 12:25 p.m.

08 NCAC 20 .0101
Commissioner Hyde made a motion to object to the temporary rule finding that the State Board of Elections had not satisfied the findings of need statutory threshold to adopt temporary rules. The motion was seconded by Commissioner Rucho.

The Commission objected to temporary Rule 08 NCAC 20 .0101 finding that the State Board of Elections' statements of the findings of need pursuant to G.S. 150B-21.1(b) do not meet the criteria listed in G.S. 150B-21.1(a). Specifically, the Commission found that the Board failed to establish that adherence to the notice and hearing requirements of G.S. 150B-21.2 was contrary to the public interest or the need for the rule to become immediately effective in order to preserve the integrity of the November 2022 elections and the election process, by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: 0.

Paul Cox, with the Department of Justice and representing the agency, addressed the Commission.

Jim Womack, with the North Carolina Election Integrity Team, addressed the Commission.

COMMISSION BUSINESS
The Chair announced that the Commission will be holding the RRC Election of Commission Officers at the next meeting.

The meeting adjourned at 12:55 p.m.

The next regularly scheduled meeting of the Commission is Thursday, September 15, 2022, at 9:00 a.m.

DRAFT

_____
Alexander Burgos, Paralegal

_____
Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

August 25, 2022

Rules Review Commission
Special Meeting
Please **Print** Legibly

Name	Agency
Paul Cox	NC St. Bd. of Elections
Lindsay Wakely	NCSBE
Katelyn Love	NCSBE
PAUL FINKELSTEIN	NCSBE

Rules Review Commission Special Meeting August 25, 2022
Held Via WebEx

Name	Agency
Philip Thomas	ncgop
Matt Mercer	northstatejournal.com
Ross Smith	myncma
Anne Coan	ncfb
Hannah Jernigan	ncdot
Laura Rowe	nctreasurer
Z Johnson	ncgop
Ann Wall	sosnc
Cleta Mitchell	Conservative Partnership Institute
Andy Jackson	The John Locke Foundation
James Womack	
Karen Raines	
Jordan Wilkie	
John Branch	nelsonmullins.com
Will Doran	newsobserver.com
Scott Laster	kganc.com
Buddy Norton	ncdp.org
Alyssa Specht	gop.com
Helen L	ncdot
Lynn Bernstein	transparent elections nc
Kevin Cline	kevinclinelaw.com
Lawrence Graham	
Greg Flynn	gregflynn.org
Amber May	icnc
Jeff Moore	ncgop.org
Brittany Conrad	kganc.com
Patrick Gannon	ncsbe
Josh Yost	ncleg
Buddy Norton	ncdp.org