

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0306

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1) and (2), at lines 9, 11, 12, and 13, please add a hanging indent in accordance with 26 NCAC 02C .0108. As an example, look at the formatting in the next rule of your filing, .0336(d)(1)-(6).

At lines 10 and 12, please delete or define "approximately."

In the October 1, 2019 NC Register, this Rule was published with a proposed effective date of May 1, 2020. In your history note, please update the proposed effective date to match the date published in the NC Register.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10F .0306 is amended as published in 34:07 NCR 552 as follows:

2
3 **15A NCAC 10F .0306 CAROLINA BEACH**

4 (a) Regulated Area. This Rule applies to ~~those waters known as Carolina Beach Yacht Basin bounded on the north~~
5 ~~by a line perpendicular to Florida Avenue and intersecting marker number "2" in the channel of the yacht basin, and~~
6 ~~on the south by the terminus of the yacht basin at the Carolina Beach Municipal Marina.~~ the following waters in the
7 Town of Carolina Beach:

8 (1) Carolina Beach Yacht Basin shore to shore, south of a line from a point on the east shore at 34.05723
9 N, 77.88894 W to a point on the west shore at 34.05700 N, 77.89089 W; and

10 (2) a portion of the Intracoastal Waterway in Myrtle Grove Sound within approximately 50 yards of
11 the community pier and docks surrounding marinas at the Oceana Marina and Carolina Beach Yacht
12 Club, and extending south of the marinas within approximately 50 yards of the shoreline to the
13 intersection with the no-wake zone at the Carolina Beach Yacht Basin.

14 (b) Speed Limit. It is unlawful to operate any ~~motorboat or~~ vessel at a ~~speed~~ greater than no-wake speed in the
15 regulated ~~area~~ areas described in Paragraph (a) of this Rule.

16 (c) Placement ~~and Maintenance~~ of Markers. The Carolina Beach Town Council ~~is~~ shall be the designated ~~a suitable~~
17 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
18 States Coast Guard and the United States Army Corps of Engineers.

19
20 *History Note: Authority G.S. 75A-3; 75A-15;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. March 1, 1983;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, ~~2016~~ 2016;*

25 *Amended Eff. February 1, 2020.*

1 15A NCAC 10F .0336 is amended as published in 34:04 NCR 301 as follows:

2
3 **15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES**

4 (a) Regulated Area. This Rule shall apply to the waters of Lake Gaston in Northampton and Warren counties.

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

7 (c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards
8 of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters
9 of the regulated areas described in Paragraph (a) of this Rule.

10 (d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following
11 bodies of water:

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

15 (2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903
16 at 36.48789 N, 77.95009 W;

17 (3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at
18 36.53260 N, 77.97330 W;

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

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

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

25 (e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any
26 marked public swimming area on the waters of Lake Gaston in Northampton and Warren counties.

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

30
31 *History Note: Authority G.S. 75A-3; 75A-15;*

32 *Eff. March 29, 1981;*

33 *Amended Eff. June 1, 1994; March 1, 1993; September 1, 1989;*

34 *Temporary Amendment Eff. March 15, 2003;*

35 *Temporary Amendment Expired October 12, 2003;*

36 *Amended Eff. May 1, 2014; May 1, 2004;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
2 *6, 2016;*
3 *Amended Eff. February 1, 2020; October 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0101-.0110

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the August 15, 2019 NC Register, these Rules were published with a proposed effective date of April 1, 2020. In your history note, please update the proposed effective date to match the date published in the NC Register.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0101

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 17, since this is the first mention of a "preserve," please consider referring to a "hunting preserve" or a "controlled hunting preserve."

In (b)(1), is "Mallard Ducks" defined in 16 U.S.C. 703. Please review.

In (c), lines 25, 26, and 28, do you mean "taking" instead of "take?"

On page 2, lines 4 and 5, please re-number (3) and (4) to (5) and (6). This was published correctly in the Register so please do not show the change, simply do it.

Why is (f) necessary? It repeats a portion of G.S. 113-273(g). If you do keep (f), please change "June 31st" to "June 30th" to comply with the statute.

In (h), is the Commission inspecting for compliance with these Rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0101 is readopted as published in 34:04 NCR 302 as follows:

2
3 **15A NCAC 10H .0101 ~~LICENSE TO OPERATE~~ GENERAL REQUIREMENTS**

4 ~~(a) A controlled hunting preserve license entitles the holder or holders thereof, and their guests of that preserve to~~
5 ~~take or kill by shooting only, and without regard to sex or bag limits, starting October 1 and ending March 31,~~
6 ~~domestically raised pheasants, chukar partridges, Hungarian partridges, Mallard ducks (as defined by the United~~
7 ~~States Fish and Wildlife Service) or other domestically raised game birds, except wild turkey. A controlled hunting~~
8 ~~preserve license also authorizes the holder or holders to purchase, possess, propagate, sell, transport and release~~
9 ~~propagated migratory game birds and their eggs, and propagated upland game birds, except wild turkey, subject to the~~
10 ~~limitations and conditions in Section .0900 of this Subchapter. Application for controlled hunting preserve licenses~~
11 ~~shall be made on standard forms obtainable from the commission. Applicants must be prepared to show proof of~~
12 ~~ownership of the land contained in the proposed hunting preserve or proof that they have this land under lease for the~~
13 ~~duration of the license period.~~

14 ~~(b) Controlled hunting preserve operators who release birds must report for the time period of the license the numbers~~
15 ~~of birds released by species and the counties where those birds were released using a reporting mechanism supplied~~
16 ~~by the Commission in order to renew their licenses.~~

17 (a) It shall be unlawful to operate a preserve without first obtaining a controlled hunting operator's license from the
18 North Carolina Wildlife Resources Commission.

19 (b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the
20 following:

21 (1) Mallard Ducks (as defined by the Migratory Bird Treaty Act, 16 U.S.C. §703);

22 (2) Chukar Partridges;

23 (3) Hungarian Partridges; and

24 (4) Other domestically raised game birds, except Wild Turkey.

25 (c) The following conditions shall apply to the take of birds on a controlled hunting preserve:

26 (1) take shall be by shooting, which may include the use of dogs;

27 (2) there shall be no bag limits or sex restrictions; and

28 (3) take shall be authorized from October 1 to March 31.

29 (4) domestically raised migratory gamebirds shall be marked by one of the methods provided in 50
30 C.F.R. 21.13, all other domestically raised game birds, except Chukar Partridges and Hungarian
31 Partridges, shall be individually marked on one leg with a band imprinted with the propagator's
32 license number.

33 (d) Application for a controlled hunting preserve operator's license shall be made on a form available from the
34 Commission online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh,
35 NC 27606-2576. The application shall include the following information:

36 (1) The applicant's name, mailing address, residence address, telephone number, and date of birth;

37 (2) The preserve name and address;

1 (3) GPS coordinates of preserve entrance;

2 (4) The total preserve acres owned or leased;

3 (5) The name, address, and telephone number of the landowner, if applicable;

4 (3) The type of preserve; and

5 (4) The species of domestically raised game birds to be offered for hunting.

6 (e) Applicants shall certify and demonstrate ownership or proof of lease of the land for the license period and for the
7 operation of a controlled hunting preserve.

8 (f) Unless otherwise indicated, a controlled hunting preserve operator's license is valid from July 1st through June
9 31st of the following year.

10 (g) A licensed controlled hunting preserve operator shall be authorized to purchase, possess, propagate, sell, transport,
11 and release propagated migratory game birds, their eggs, and propagated upland game birds, except for wild turkey,
12 subject to limitations in Section .0900 of this Subchapter.

13 (h) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours
14 for inspection, enforcement, or scientific purposes.

15
16 *History Note: Authority G.S. 113-134; 113-273;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. August 1, 2010; May 1, 2008; July 1, 1994; November 1, 1990; July 1, 1988; July 1,*
19 *1987.*

20 *Readopted Eff. February 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0102

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(1), please define "legible." If by "legible" you mean "meeting the size requirements set forth in this Rule" please say that or delete this word since specific font sizes are already required.

In (b)(3), please re-number (i)-(iv) as (A)-(D). This was published correctly in the NC Register so you do not need to show the change, simply do it.

At line 19, do you mean "Rules" instead of "regulations?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0102 is amended as published in 34:04 NCR 302 as follows:

2
3 **15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION**

4 (a) ~~Size of Preserve.~~ Controlled hunting preserves ~~licensed under these regulations~~ shall consist of not less than be
5 at least 100 acres and shall be ~~in~~ one contiguous block of land.

6 (b) ~~Boundary of Preserve.~~ The boundary of each controlled hunting preserve shall be posted with printed signs that
7 face both outward and inward from the preserve boundary ~~and that are supplied and posted by the preserve owner as~~
8 ~~follows: and meet the following requirements:~~

9 (1) ~~Size and color.~~ Signs shall be at least 12 inches wide and at least nine inches tall with white
10 background and black lettering of uniform and legible font.

11 (2) Signs shall be placed along the boundaries of the controlled hunting preserve, not more than 150
12 feet apart.

13 (2)(3) Text ~~for~~ of signs ~~that face facing~~ outward from the boundary shall ~~bear~~ contain the following
14 ~~information: information in font no less than ¼ of an inch in height:~~

15 (i) the words "Controlled Hunting Preserve" ~~in font size no less than ¼ of an inch in height;~~
16 Preserve";

17 (ii) the words, "The owner or lessee of this property is operating by authority of a license issued
18 by the N.C. Wildlife Resources Commission. ~~All hunting~~ Hunting on this preserve shall
19 be in accordance with ~~special~~ regulations ~~adopted by of the Commission" Commission.;~~
20 in font size no less than ¼ of an inch in height;

21 (iii) the words, "state hunting license is ~~required~~" ~~in font size no less than ¼ inches in height;~~
22 required"; and

23 (iv) the name of the licensed operator of the controlled hunting preserve ~~in font size no less~~
24 than ¼ of an inch in height; preserve.

25 (3)(4) Text ~~for~~ of signs ~~that face facing~~ inward from the boundary shall bear the words "Controlled Hunting
26 Preserve" in font ~~size~~ no less than ¾ of an inch in height.

27 (4) ~~Location.~~ Signs shall be placed along the boundaries of the controlled hunting preserve, spaced not
28 more than 150 feet apart.

29 (c) ~~Stocking Preserve with Game.~~ An applicant for a controlled hunting preserve license shall present satisfactory
30 evidence of his ability to raise, or purchase, for release on the preserve during the year at least the minimum number
31 herein designated of each species he plans to advertise as being available on his preserve for hunting in accordance
32 with the following formula:

33 (1) ~~ring-necked pheasants (and other nonnative game birds except Mallard ducks) 100 birds of each~~
34 ~~species for first 300 acres, or fraction thereof, and 100 birds for each additional 200 acres, or fraction~~
35 ~~thereof, included in the hunting preserve;~~

36 (2) ~~bobwhite quail 1,000 quail for the first 300 acres, or fraction thereof, and 500 quail for each~~
37 ~~additional 200 acres, or fraction thereof, included in the hunting preserve;~~

1 ~~(3) — Mallard ducks (one generation removed from the wild) — 100 minimum for each preserve.~~

2
3 *History Note: Authority G.S. 113-134; 113-273;*

4 *Eff. February 1, 1976;*

5 *Amended Eff. June 1, 2009; January 1, 1992; November 1, 1990;*

6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
7 *6, ~~2016, 2016~~;*

8 *Amended Eff. February 1, 2020.*

1 15A NCAC 10H .0103 is amended as published in 34:04 NCR 303 as follows:

2
3 **15A NCAC 10H .0103 LABELING OF HARVESTED BIRDS**

4 ~~(a) When any person takes game birds, it~~ It shall be unlawful to remove such harvested birds from the hunting preserve
5 or to possess harvested birds ~~the same thereafter~~ unless the ~~entire bag of such~~ birds is are packaged and marked with
6 a label provided by the ~~hunting preserve operator.~~ preserve. ~~Such~~ The label shall ~~contain:~~ contain the following
7 information:

- 8 (1) the name and address of the hunting ~~preserve,~~ preserve;
9 (2) the name and address of the possessor of the ~~bird carcasses,~~ harvested birds;
10 (3) the number of ~~bird carcasses~~ harvested birds contained ~~therein,~~ in the package;
11 (4) a statement that the package may be opened for inspection by an enforcement ~~officer,~~ officer; and
12 (5) the signature of the ~~preserve owner or operator.~~ licensed operator or his or her designee.

13 ~~(b) The package must~~ packaged and marked harvested birds shall be accompanied at all times by the hunter's ~~receipt~~
14 receipt, which shall be completed and signed by the ~~preserve~~ operator or his or her agent designee as described in
15 Rule .0105 of this Section.

16
17 *History Note: Authority G.S. 113-134; 113-273; 113-274;*

18 *Eff. February 1, 1976;*

19 *Amended Eff. November 1, 1990;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, ~~2016.~~ 2016;*

22 *Amended Eff. February 1, 2020.*
23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0104

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

How does the Commission determine whether the license will be suspended, revoked, or denied? Are you relying on G.S. 113-276.2? If so, please say that in the Rule and add 113-276.2 to your history note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0104 is amended as published in 34:04 NCR 303 as follows:

2
3 **15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED**

4 All birds purchased or raised for release on controlled hunting preserves shall be ~~healthy and~~ free from disease.
5 Possession of ~~unhealthy or~~ diseased birds is may be grounds for ~~revocation~~ the suspension, revocation, or denial of a
6 controlled hunting preserve license.

7
8 *History Note: Authority G.S. 113-134; 113-273;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. August 1, 2010; June 1, 2005; November 1, 1990;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, ~~2016,~~ 2016;*

13 *Amended Eff. February 1, 2020.*
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0105

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 20, what is meant by "open" in "open and available?"

If "open" does not add any additional meaning, please consider whether it is necessary to say "and shall remain open and available for inspection by the Commission" at line 20. Is this already required by the text in (c)?

In your history note, please change "113.274" to "113-274."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0105 is amended as published in 34:04 NCR 303 as follows:

2
3 **15A NCAC 10H .0105 RECORDS ~~REQUIRED~~ AND REPORTING REQUIREMENTS**

4 (a) ~~The controlled hunting preserve operator shall maintain a daily written record of each hunter using the controlled~~
5 ~~hunting preserve. This record shall be kept on forms provided by the preserve operator. A sample form will be~~
6 ~~provided by the Wildlife Resources Commission to the preserve operator. This record shall bear the name, address,~~
7 ~~and license number of the preserve; the name, address and state hunting license number of each hunter using the~~
8 ~~preserve, the date of the hunt, and the number of each species of game bird killed by the hunter on the preserve. contain~~
9 ~~the following information:~~

- 10 (1) name, address, and license number of the preserve;
11 (2) the name, address, and state hunting license number of each hunter using the preserve;
12 (3) the date(s) of the hunt;
13 (4) the number and species of each bird harvested by the hunter on the preserve; and
14 (5) the signature of the operator.

15 ~~The record shall bear the signature of the operator of the preserve and shall be prepared in duplicate; the original to~~
16 ~~be given to the hunter to serve as a receipt for birds killed on the preserve, and the duplicate copy to be retained by~~
17 ~~the licensee for 12 months and which copy shall be available for inspection by authorized Commission personnel upon~~
18 ~~demand. This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt~~
19 ~~for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by~~
20 ~~the operator for 12 months after the date(s) of the hunt and shall remain open and available for inspection by the~~
21 ~~Commission. It is shall be unlawful for a person to possess native or nonnative game birds killed harvested on~~
22 ~~controlled hunting preserves, unless the said birds are accompanied by preserves without an approved a receipt as~~
23 ~~described in this Rule.~~

24 (b) ~~The licensee operator shall maintain a daily written record of each game bird species liberated released on the~~
25 ~~preserve. This record shall include the number and species of each bird released and the date of the release. This~~
26 ~~record shall be open for inspection by authorized Commission personnel upon demand. Representatives of the~~
27 ~~Commission shall be permitted to enter the premises at reasonable times for inspection, enforcement, or scientific~~
28 ~~purposes.~~

29 (c) The records required by this Rule shall be available for inspection at the request of the Commission.

30 (d) Licensed operators that release birds shall report the number released, the species of the birds released, and the
31 county where the release occurred to renew their operator's license. This reporting requirement shall be limited to
32 those birds released during the time period of the operator's current valid license or last valid license and shall be
33 reported on the Controlled Shooting Preserve Game Birds Report Form found online at www.ncwildlife.org or at the
34 Commission headquarters.

35 *History Note: Authority G.S. 113-134; 113-273; 113.274;*

36 *Eff. February 1, 1976;*

37 *Amended Eff. November 1, 1990; April 15, 1979;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
2 *6, ~~2016~~ 2016;*
3 *Amended Eff. February 1, 2020.*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0106

DEADLINE FOR RECEIPT: January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just to be sure, does this mean an individual could hunt on a hunting preserve with a resident State hunting license, a lifetime comprehensive hunting license, a resident annual comprehensive license, or a nonresident State hunting license under G.S. 113-270.2(c) without also holding a controlled hunting preserve hunting license?

At line 7, what do you mean by "unless otherwise exempted by law?" Are you referring to any specific exemptions?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0106 is amended as published in 34:04 NCR 304 as follows:

2
3 **15A NCAC 10H .0106 HUNTING LICENSE REQUIRED**

4 ~~Every person hunting on a controlled hunting preserve shall have in his possession a proper resident or nonresident~~
5 ~~hunting license or a special controlled hunting preserve hunting license for the current year as required by law. A~~
6 ~~valid North Carolina hunting license or controlled hunting preserve hunting license shall be required of all persons~~
7 ~~hunting domestically raised birds on controlled hunting preserves, unless otherwise exempted by law.~~

8 *History Note: Authority G.S. 113-134; 113-270.2; 113-273;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. November 1, 1990;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, ~~2016~~, 2016;*

13 *Amended Eff. February 1, 2020.*
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0107

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 5, who is the Executive Director's designee? Can you be more specific?

At line 6, please capitalize "Rules" and "Section."

Please consider breaking this Rule into two Paragraphs, with the second paragraph beginning at line 9.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0107 is amended as published in 34:04 NCR 304 as follows:

2
3 **15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE**

4 ~~In accordance with provisions of~~ As authorized in G.S. 113-276.2, the ~~Wildlife Resources Commission Executive~~
5 ~~Director of the Commission or his or her designee may revoke or suspend~~ revoke, suspend, or deny the renewal of the
6 license of any controlled hunting preserve operator upon violation of these the rules and regulations, in this section.
7 ~~When there is evidence of such a violation, the executive director or his designee shall give the said operator 20 days~~
8 ~~notice in writing to show cause to the executive director or his designee why said license should not be suspended or~~
9 ~~revoked.~~ The determination whether to revoke, suspend, or deny a controlled hunting preserve operator license shall
10 be based upon the seriousness of the violation and any previous violations.

11
12
13 *History Note: Authority G.S. 113-134; 113-273; 113-276.2;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. November 1, 1990; January 1, 1981;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
17 *6, 2016; 2016;*

18 *Amendment Eff. February 1, 2020.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0108

DEADLINE FOR RECEIPT: January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(1) and (2), please delete "shall" since you already have it on line 5.

Please ensure (a)(1) and (2) are formatted in accordance with 26 NCAC 02C .0108. For an example, look at the next Rule in this filing, .0109, as a guide.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0108 is amended as published in 34:04 NCR 304 as follows:

2
3 **15A NCAC 10H .0108 ~~BIRD FEEDERS~~ FEEDING OF STOCKED BIRDS**

4 (a) ~~Purpose of Rule. The purpose of this Rule is to prescribe criteria governing the types and locations of bird feeders~~
5 ~~on controlled hunting preserves in the vicinity of which properly licensed hunters may take game birds as provided~~
6 ~~by law.~~

7 ~~(b) (a) Types of Feeders. For the purposes of this Rule, bird Bird feeders may used on controlled hunting preserves~~
8 ~~shall be either of commercial design or of domestic manufacture, provided that in either case they are not designed to~~
9 ~~disperse grain or other food on the ground around the feeders and are sheltered so as to protect such grain or food from~~
10 ~~dampness and precipitation. meet the following conditions:~~

11 ~~(1) shall not disperse grain or other food on the ground around the feeders; and~~

12 ~~(2) shall be sheltered to protect the grain or other food from dampness and precipitation.~~

13 ~~(e) (b) Location of Feeders. For the purposes of this Rule, no No bird feeder shall be placed within 100 yards of any~~
14 ~~boundary of a controlled hunting preserve; otherwise the locations of such feeders shall be in the discretion of the~~
15 ~~hunting preserve operator. preserve.~~

16 (c) Supplemental feeding. Licensed operators shall be authorized to broadcast supplemental feed on the preserve. It
17 shall be lawful for licensed hunters to take all birds authorized in 15A NCAC 10H .0101(b) in supplemented areas.
18 Wild birds may not be taken with the use or aid of bait, including in supplemental feeding areas.

19
20 *History Note: Authority G.S. 113-134; 113-273;*

21 *Eff. September 30, 1979;*

22 *Amended Eff. May 1, 2009; November 1, 1990;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, 2016-2016;*

25 *Amended Eff. February 1, 2020.*
26

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please delete "(a)" at the beginning of line 4 since there is no (b). This Rule was published in the Register without an (a) so please do not show the change, simply do it.

Does G.S. 113-273(h) apply in this Rule? Does a hunting preserve operator also need a game bird propagation license to use quail call-pen traps?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 31, 2019

1 15A NCAC 10H .0109 is amended as published in 34:04 NCR 304 as follows:

2
3 **15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS**

4 (a) ~~Conditions of use. A licensed~~ Licensed controlled hunting preserve ~~operator who~~ operators that ~~releases~~ release
5 pen-raised quail for hunting or dog training ~~purposes may, between September 1 and April 30, operate one or more~~
6 ~~quail call pen traps in accordance with the requirements of this Rule for the purpose of recovering any such quail that~~
7 ~~are not killed.~~ shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released
8 quail, subject to the following requirements:

9 (1) all traps shall have a weather-resistant permanent tag attached with the operator's name and address
10 written legibly;

11 (b)(2) ~~Location of Traps. No quail call pen trap shall~~ no trap shall be located within 100 yards of any
12 ~~external boundary of the hunting preserve;~~ preserve; and

13 (c) ~~Identification of Traps. All traps shall have a weather resistant permanent tag attached with the propagator's name~~
14 ~~and address legibly written on it.~~

15 (3) no trapped, unbanded quail shall be retained.

16
17 *History Note: Authority G.S. 113-134; 113-291.1;*

18 *Eff. September 1, 1980;*

19 *Amended Eff. May 1, 2009; December 1, 1993; November 1, 1990; July 1, 1987;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, ~~2016~~, 2016;*

22 *Amended Eff. February 1, 2020.*

1 15A NCAC 10H .0110 is repealed as published in 34:04 NCR 304 as follows:

2
3 **15A NCAC 10H .0110 SUPPLEMENTAL FEEDING**

4
5 *History Note: Authority G.S. 113-134; 113-273;*

6 *Eff. May 1, 2007;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
8 *6, ~~2016-2016~~;*

9 *Repealed Eff. February 1, 2020.*