

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 these Rules, the staff recommends the following technical changes be made:

*Please review and update your effective dates. The earliest these rules can become effective is February 1, 2022.*

*This Rules were published in Register Issue 36:05 without substantive changes. Can you please confirm all changes made to these Rules were only in arrangement and formatting and not substantive?*

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

1 15A NCAC 10B .0102 is readopted as published in in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0102 IMPORTATION OF GRAY FOXES**

4 The importation of gray foxes into Anson, Avery, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Davidson, Gaston,  
5 Lincoln, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Richmond, Rowan, Rutherford, Stanly, Union and  
6 Yancey Counties is prohibited.

7  
8 *History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4;*

9 *Eff. February 1, 1976.*

10 Readopted January 1, 2022.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0115

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 9, add a space between the newly added words "Intentionally" and "shining" as it appears that the space between the words was deleted.*

*For the list of counties in (a) and (b), please add a semicolon after each county in the list with an "and" after (a)(27) and (b)(53).*

*In (c)(2), line 26, what is the "necessary" shining of lights? Does the regulated public know what is necessary?*

*In (c)(4), line 28, what does "legitimately" mean in this context? Also, what are "such areas"? Please avoid the use of the word "such" if possible. Finally, what are "other reasons"? Are you referring to people who are not attempting to hunt?*

*Finally, in the History Note, is it necessary to cite to two 40-year-old session laws? Would it be better to cite to the statutory provisions amended or adopted by those session laws instead?*

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

1 15A NCAC 10B .0115 is readopted as published in in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0115 SHINING LIGHTS IN DEER AREAS**

4 ~~(a) It having been found upon sufficient evidence that certain areas frequented by deer are subject to substantial~~  
5 ~~unlawful night deer hunting, or that residents in such areas have been greatly inconvenienced by persons shining lights~~  
6 ~~on deer, or both, the shining of lights on deer in such areas is limited by Paragraphs (b) and (c) of this Rule, subject to~~  
7 ~~the exceptions contained in Paragraph (d) of this Rule.~~

8 ~~(b)(a) No person shall, between the hours of 11:00 p.m. and one half hour before sunrise, intentionally shine~~  
9 Intentionally shining a light upon a deer or intentionally sweep sweeping a light in search of deer between the hours  
10 of 11:00 p.m. and one-half hour before sunrise is prohibited in the indicated portions of the following counties:

- 11 (1) Beaufort ~~—entire county;~~
- 12 (2) Bladen ~~—entire county;~~
- 13 (3) Brunswick ~~—entire county;~~
- 14 (4) Camden ~~—entire county;~~
- 15 (5) Chowan ~~—entire county;~~
- 16 (6) Currituck ~~—entire county;~~
- 17 (7) Duplin ~~—entire county;~~
- 18 (8) Franklin ~~—entire county;~~
- 19 (9) Gates ~~—entire county;~~
- 20 (10) Greene ~~—entire county;~~
- 21 (11) Hertford ~~—entire county;~~
- 22 (12) Hyde ~~—entire county;~~
- 23 (13) Jones ~~—entire county;~~
- 24 (14) Lenoir ~~—entire county;~~
- 25 (15) Martin ~~—entire county;~~
- 26 (16) Nash ~~—entire county;~~
- 27 (17) Pamlico ~~—entire county;~~
- 28 (18) Pasquotank ~~—entire county;~~
- 29 (19) Pender ~~—entire county;~~
- 30 (20) Perquimans ~~—entire county;~~
- 31 (21) Pitt ~~—entire county;~~
- 32 (22) Sampson ~~—entire county;~~
- 33 (23) Tyrrell ~~—entire county;~~
- 34 (24) Vance ~~—entire county;~~
- 35 (25) Wake ~~—entire county;~~
- 36 (26) Warren ~~—entire county;~~
- 37 (27) Washington ~~—entire county;~~

1           (28)     Wayne ~~—entire county.~~  
2     ~~(e)(b) No person shall, between the hours of one-half hour after sunset and one-half hour before sunrise, intentionally~~  
3     ~~shine. Intentionally shining a light upon a deer or intentionally sweep-sweeping a light in search of deer between the~~  
4     ~~hours of one-half hour after sunset and one-half hour before sunrise is prohibited in the indicated portions of the~~  
5     ~~following counties: counties or portions thereof:~~

- 6           (1)     Alamance ~~—entire county;~~
- 7           (2)     Alexander ~~—entire county;~~
- 8           (3)     Alleghany ~~—entire county;~~
- 9           (4)     Anson ~~—entire county;~~
- 10          (5)     Ashe ~~—entire county;~~
- 11          (6)     Avery -- that portion south and east of Highway 221;
- 12          (7)     Buncombe ~~County —entire county;~~
- 13          (8)     Burke ~~—entire county;~~
- 14          (9)     Cabarrus ~~—entire county;~~
- 15          (10)    Caswell ~~—entire county;~~
- 16          (11)    Catawba ~~—entire county;~~
- 17          (12)    Chatham ~~—entire county;~~
- 18          (13)    Cherokee ~~—entire county;~~
- 19          (14)    Clay ~~—entire county;~~
- 20          (15)    Cleveland ~~—entire county;~~
- 21          (16)    Cumberland ~~—entire county;~~
- 22          (17)    Davidson ~~—entire county;~~
- 23          (18)    Davie ~~—entire county;~~
- 24          (19)    Durham ~~—entire county;~~
- 25          (20)    Edgecombe ~~—entire county;~~
- 26          (21)    Forsyth County ~~—entire county;~~
- 27          (22)    Gaston ~~—entire county;~~
- 28          (23)    Granville ~~—entire county;~~
- 29          (24)    Guilford ~~—entire county;~~
- 30          (25)    Halifax ~~—entire county;~~
- 31          (26)    Harnett ~~—entire county;~~
- 32          (27)    Henderson ~~—entire county;~~
- 33          (28)    Hoke ~~—entire county;~~
- 34          (29)    Iredell ~~—entire county;~~
- 35          (30)    Johnston ~~—entire county;~~
- 36          (31)    Lee ~~—entire county;~~
- 37          (32)    Lincoln ~~—entire county;~~

- (33) Macon —~~entire county~~;
- (34) McDowell —~~entire county~~;
- (35) Mecklenburg —~~entire county~~;
- (36) Mitchell —~~entire county~~;
- (37) Montgomery —~~entire county~~;
- (38) Northampton —~~entire county~~;
- (39) Orange County —~~entire county~~;
- (40) Person —~~entire county~~;
- (41) Polk —~~entire county~~;
- (42) Randolph —~~entire county~~;
- (43) Robeson County —~~entire county~~;
- (44) Rockingham —~~entire county~~;
- (45) Rowan —~~entire county~~;
- (46) Rutherford —~~entire county~~;
- (47) Stanly —~~entire county~~;
- (48) Stokes —~~entire county~~;
- (49) Surry —~~entire county~~;
- (50) Swain —~~entire county~~;
- (51) Transylvania —~~entire county~~;
- (52) Union —~~entire county~~;
- (53) Watauga —~~entire county~~;
- (54) Yancey —~~entire county~~.

(d)(c) Paragraphs (b)(a) and (e)(b) of this Rule shall not be construed to prevent:

- (1) the lawful hunting of raccoon or opossum during open season with artificial lights designed or commonly used in taking raccoon and opossum at night;
- (2) the necessary shining of lights by landholders on their own lands;
- (3) the shining of lights necessary to normal travel by motor vehicles on roads or highways; or
- (4) the use of lights by campers and others who are legitimately in such areas for other reasons and who are not attempting to attract or to immobilize deer by the use of lights.

*History Note: Authority G.S. 113-134; 113-291.1; S.L. 1981, c. 410; S.L. 1981 (Second Session 1982), c. 1180; Eff. November 11, 1979;*  
*Amended Eff. July 18, 2002; April 1, 1997; July 1, 1996; November 1, 1995; March 1, 1995; July 1, 1994;*  
*Readopted Eff. January 1, 2022.*

1 15A NCAC 10B .0121 is readopted as published in in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0121 WILD BIRDS BIRD DEFINED EXCEPTIONS**

4 The following wild birds are excluded from the definition of "wild birds" contained in G.S. 113-129(15a): ~~English~~  
5 ~~sparrow (Passer domesticus), Eurasian collared dove (Streptopelia decaocto), pigeon (Columba livia), mute swan~~  
6 ~~(Cygnus olor), and starling (Sturnus vulgaris) are specifically excluded from the definition of "wild birds" contained~~  
7 ~~in G.S. 113-129(15a).~~

- 8 (1) English sparrow (Passer domesticus);  
9 (2) Eurasian collared dove (Streptopelia decaocto);  
10 (3) pigeon (Columba livia);  
11 (4) mute swan (Cygnus olor); and  
12 (5) starling (Sturnus vulgaris).

13  
14  
15 *History Note: Authority G.S. 113-129; 113-134;*  
16 *Eff. December 1, 1987;*  
17 *Amended Eff. August 1, 2010; May 1, 2006; October 1, 2004.*  
18 *Readopted Eff. January 1, 2022.*  
19

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0122

**DEADLINE FOR RECEIPT: January 12, 2022**

**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:

*Please consider revising the title, as it seems inaccurate. While the title refers to prohibiting "hunting" the text of the rule prohibits the possession and use of a loaded firearm in a restricted zone.*

*On line (5), please revise without the word "such." I would suggest mirroring the language from the prior clause: "...discharging a firearm into or across such a posted restricted zone on any State-owned fish hatchery is prohibited."*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021



1 15A NCAC 10B .0122 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0122 PROHIBITED HUNTING ON STATE FISH HATCHERIES**

4 ~~It is unlawful to possess~~ Possessing a loaded firearm within a posted restricted zone on any ~~state-owned~~ State-owned  
5 fish hatchery or ~~to discharge~~ discharging a firearm into or across such a restricted ~~zone.~~ zone is prohibited.

6  
7 *History Note: Authority G.S. 113-134; 113-264;*

8 *Eff. September 1, 1989.*

9 *Readopted Eff. January 1, 2022.*  
10

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0124

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 4, delete "be" prior to unlawful.*

*In (b)(1) and (3), who is the "individual"? The person importing, transporting, or possessing the animal part, or the hunter who killed the animal?*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021

1 15A NCAC 10B .0124 is readopted as published in in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0124 IMPORTATION OF ANIMAL PARTS**

4 (a) ~~Unless otherwise provided in this Rule, it~~ It shall be unlawful to import, transport, or possess a cervid carcass  
5 or carcass part originating from outside of North Carolina except:

- 6 (1) meat that has been boned out such that no pieces or fragments of bone remain;  
7 (2) caped hides with no part of the skull or spinal column attached;  
8 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;  
9 (4) cleaned lower jawbones with teeth or cleaned teeth; or  
10 (5) finished taxidermy products and tanned hides.

11 (b) Any cervid carcass, carcass part, or container of cervid meat or carcass parts listed in Subparagraph (a)(1) through  
12 (4) of this Rule shall be labeled or identified with the following information:

- 13 (1) the individual's name and address;  
14 (2) the state, Canadian province, or foreign country of origin; and  
15 (3) the date the cervid was killed and the individual's hunting license number, permit number, or  
16 equivalent identification from the state, Canadian province, or foreign country of origin.

17 ~~(c) It shall be lawful to import, transport, or possess a caped hide with only the head attached from a white-tailed deer~~  
18 ~~lawfully taken in South Carolina, if delivered to a licensed North Carolina taxidermist within 24 hours of entering the~~  
19 ~~State. The hide and head shall be double plastic bagged and labeled or identified with the information required in~~  
20 ~~Paragraph (b) of this Rule and the name of the county in South Carolina where the white-tailed deer was killed. This~~  
21 ~~Paragraph shall expire on August 1, 2020 or upon the Commission's confirmation of the discovery of Chronic Wasting~~  
22 ~~Disease in a cervid from South Carolina, whichever occurs first. Upon expiration, all restrictions and requirements of~~  
23 ~~Paragraph (a) shall apply.~~

24  
25 *History Note: Authority G.S. 113-291.2;*

26 *Eff. May 1, 2006;*

27 *Temporary Amendment Eff. August 1, 2018;*

28 *Amended Eff. August 1, 2019;*

29 *Readopted Eff. January 1, 2022.*  
30

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0125

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 4, should "mute swan" be plural? Perhaps consider replacing the deleted "any" preceding "mute swan"?*

*In (b), line 13, please change "must" to "shall."*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021

1 15A NCAC 10B .0125 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0125 RELEASE OF MUTE SWANS**

4 ~~(a) It is unlawful for any individual to~~ Individuals shall not release any mute swan (*Cygnus olor*) into the public waters  
5 of North Carolina. ~~Any individual who possesses or confines mute swans on their property or releases a mute swan~~  
6 ~~to privately controlled waters must ensure that the animal has been pinioned. Individuals who currently possess or~~  
7 ~~confine mute swans on their property must pinion all mute swans on their property by January 1, 2009. For the~~  
8 ~~purposes of this Rule privately controlled waters is defined as: a body of water lying wholly upon a single tract of~~  
9 ~~privately owned land or a body of water lying entirely within private property, even if that property is comprised of~~  
10 ~~multiple tracts owned by one or multiple individuals. In addition, privately controlled waters are waters to which the~~  
11 ~~public does not have access without permission of one or more of the private landowners surrounding the water(s).~~

12 (b) Any individual who releases mute swan into privately controlled waters, possesses, or confines mute swans or any  
13 progeny of mute swans on their property, must ensure that the animal has been pinioned.

14 (c) For the purposes of this Rule, “privately controlled waters” means:

15 (1) a body of water lying wholly upon a single tract of privately owned land or a body of water lying  
16 entirely within private property, even if that property is comprised of multiple tracts owned by one  
17 or multiple individuals; and

18 (2) waters to which the public does not have access without permission of one or more of the private  
19 landowners surrounding the water(s).

20  
21 *History Note: Authority G.S. 113-292(d);*  
22 *Eff. July 1, 2008;*  
23 *Readopted Eff. January 1, 2022.*  
24

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0202

**DEADLINE FOR RECEIPT: January 12, 2022**

**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:

*Please uncapitalize the first word in each item of the list under Paragraph(a).*

*In (b)(5), you say "bait as specified in G.S. 113-291.1(b)(2)," but offer a different definition of "bait" "[f]or purposes of this Paragraph" in (b)(1). Is the reference to the statute in (b)(5) pointing to the statutory prohibition on taking bears while consuming bait, or are you attempting to change the definition of "bait" only for (b)(5)?*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021

1 15A NCAC 10B .0202 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0202 BEAR**

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

- 5 (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday  
6 after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland  
7 counties;
- 8 (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus,  
9 Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- 10 (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after  
11 Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford,  
12 Jones, Martin, and Washington counties;
- 13 (4) Second Saturday in November through the third Sunday thereafter and the third Saturday after  
14 Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- 15 (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after  
16 Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans  
17 counties;
- 18 (6) Second Sunday in November through the following Sunday, when November 1 falls on a Sunday  
19 the season shall be from the third Sunday in November through the following Sunday, and the third  
20 Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and  
21 Pasquotank counties;
- 22 (7) Third Saturday in November though the fifth Sunday thereafter in Edgecombe, Greene, Halifax,  
23 Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- 24 (8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC  
25 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie,  
26 Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston,  
27 Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond,  
28 Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

29 (b) Restrictions

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

- 1 (C) any substances modified by substances identified in Part (A) of this Subparagraph,  
2 including any extracts of those substances; or  
3 (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- 4 (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday  
5 before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
- 6 (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in  
7 Subparagraphs (a)(2) through ~~(a)(6)~~ (a)(8) of this Rule.
- 8 (5) Bears shall not be taken while in the act of consuming ~~bait~~ bait as specified in G.S. 113-291.1(b)(2).
- 9 (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85,  
10 Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston,  
11 Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph,  
12 Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and  
13 parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.
- 14 (c) No Open Season. It shall be unlawful to take bear on posted bear sanctuaries except when authorized by permit  
15 issued by the Commission. See 15A NCAC 10D .0106 for posted bear sanctuaries.
- 16 (d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

17  
18 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;*  
19 *Eff. February 1, 1976;*  
20 *Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;*  
21 *Temporary Amendment Eff. July 1, 1999;*  
22 *Amended Eff. July 1, 2000;*  
23 *Temporary Amendment Eff. July 1, 2002;*  
24 *Amendment Eff. August 1, 2002;*  
25 *Temporary Amendment Eff. September 1, 2003;*  
26 *Temporary Amendment Expired Eff. December 27, 2003;*  
27 *Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May*  
28 *1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;*  
29 *Temporary Amendment Eff. May 31, 2016;*  
30 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016;*  
31 *Temporary Amendment Eff. August 1, 2018;*  
32 *Amended Eff. August 1, 2019;*  
33 *Temporary Amendment Eff. September 1, 2020;*  
34 *Readopted Eff. January 1, 2022.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0208

**DEADLINE FOR RECEIPT: January 12, 2022**

**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), please use commas rather than semi-colons between the clauses of the sentence.*

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

1 15A NCAC 10B .0208 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0208 QUAIL**

4 (a) The open season for quail ~~shall be~~ is the Saturday before Thanksgiving ~~to through~~ through the last day of February.

5 (b) The daily bag ~~Limit shall be~~ limit is six six; per day and the possession limit ~~shall be~~ is 12, 12; and there ~~There~~  
6 ~~shall be~~ is no season limit.

7  
8 *History Note: Authority G.S. 113-134; 113-291.2;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. July 1, 1996; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;*

11 *Temporary Amendment Eff. July 1, 2001;*

12 *Amended Eff. July 18, 2002;*

13 *Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0209

**DEADLINE FOR RECEIPT: January 12, 2022**

**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:

*Throughout the Rule, just to be clear, the open season is for bearded or male turkeys only? Female or non-bearded turkeys may not be taken at all?*

*In (b), please use commas rather than semi-colons between the clauses of the sentence.*

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

1 15A NCAC 10B .0209 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0209 WILD TURKEY**

4 ~~(a) Open Seasons:~~

5 ~~(1) Spring Wild Turkey Season is from the second Saturday in April through the Saturday of the fourth~~  
6 ~~week thereafter on only bearded or male turkeys in all counties statewide.~~

7 ~~(2) Spring Youth Only Wild Turkey Season is from the first Saturday in April until the Friday thereafter~~  
8 ~~on only bearded or male wild turkeys. The bag limit during the Spring Youth Only Wild Turkey~~  
9 ~~season is one bird. For purposes of this Subparagraph, a youth hunter is younger than 18 years of~~  
10 ~~age.~~

11 ~~(b) Bag Limits. The daily bag limit is one bird and the annual bag limit shall be two birds. Possession limit is two~~  
12 ~~birds.~~

13 (a) The open season for wild turkey is from the second Saturday in April through the fourth Saturday thereafter on  
14 bearded or male turkeys only.

15 (b) The daily bag limit is one; the possession limit is two; and the season limit is two.

16 ~~(c) Dogs.~~ The use of dogs for hunting wild turkeys is prohibited.

17 (d) The following shall apply to Spring Youth Only Wild Turkey Season:

18 (1) the open season is from the first Saturday in April through the Friday thereafter on bearded or male  
19 wild turkeys only.

20 (2) the season limit is one.

21 ~~(d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B~~  
22 ~~.0113.~~

23  
24 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5;*  
25 *Eff. February 1, 1976;*  
26 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*  
27 *July 1, 1992;*  
28 *Temporary Amendment Eff. July 1, 1999;*  
29 *Amended Eff. July 1, 2000;*  
30 *Temporary Amendment Eff. July 1, 2001;*  
31 *Temporary Amendment Eff. July 1, 2002;*  
32 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*  
33 *Temporary Amendment Eff. June 1, 2003;*  
34 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*  
35 *2003);*  
36 *Amended Eff. February 1, 2018; August 1, 2017; January 1, 2013; May 1, 2009; May 1, 2007;*  
37 *November 1, 2005;*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0210

**DEADLINE FOR RECEIPT: January 12, 2022**

**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), please use commas rather than semi-colons between the clauses of the sentence.*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021

1 15A NCAC 10B .0210 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0210 RUFFED GROUSE (~~NATIVE PHEASANT~~)**

4 (a) ~~Open Season:~~ The open season for taking ruffed grouse is the Monday on or nearest October 15 to through the  
5 last day of February.

6 (b) ~~Bag Limits: Daily, three; possession, six; season, 30.~~ The daily bag limit is three; the possession limit is six; and  
7 the season limit is 30.

8  
9 *History Note: Authority G.S. 113-134; 113-291.2;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;*

12 *Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0211

**DEADLINE FOR RECEIPT: January 12, 2022**

**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), please use commas rather than semi-colons between the clauses of the sentence.*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021



1 15A NCAC 10B .0211 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0211 RING-NECKED PHEASANT (~~NONNATIVE VARIETIES~~)**

4 (a) ~~Open Season:~~ The open season for taking ring-necked Pheasant pheasant (~~nonnative varieties~~) shall be the  
5 Saturday before Thanksgiving Day to February 1 on male pheasant only.

6 (~~b) Bag Limits:~~ The daily bag limit for ring-necked pheasants (~~nonnative varieties~~) is three; the possession limit is  
7 six; and the season limit is 30.

8  
9 *History Note: Authority G.S. 113-134; 113-291.2;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. August 1, 2018; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;*

12 *Readopted Eff. January 1, 2022.*  
13

1 15A NCAC 10B .0213 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0213 GROUNDHOG**

4 (a) ~~No~~ There is no closed season. season for groundhogs.

5 (b) ~~Bag Limits: No restriction.~~ There is no bag limit.

6  
7 *History Note: Authority G.S. 113-134; 113-291.2;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. January 1, 2022.*

1 15A NCAC 10B .0214 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0214 ~~WILDCAT (BOBCAT)~~ BOBCAT**

4 (a) The open season for hunting bobcat ~~shall be~~ is the Monday on or nearest October 15 through the last day in  
5 February.

6 (b) There ~~shall be no restriction on~~ is no bag ~~limits~~ limit.

7  
8 *History Note: Authority G.S. 113-134; 113-291.2;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. July 1, 1996; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;*

11 *Readopted Eff. January 1, 2022.*  
12

1 15A NCAC 10B .0215 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0215 CROWS**

4 (a) Open seasons for hunting crows are as follows: Wednesday, Friday, and Saturday of each week from the first  
5 Wednesday in June ~~to~~ through the last day of February and on the following holidays: July 4, Labor Day,  
6 Thanksgiving, Christmas, New Years, and Martin Luther King, Jr., except when those days occur on a Sunday.

7 ~~Note: Federal law protects crows and limits state seasons to a maximum of 124 days per year.~~

8 (b) There ~~are~~ is no bag ~~limit-limit~~ restrictions on crows.

9 (c) ~~Manner of Take.~~ Hunters may use electronic ~~calls~~ calls to take crows.

10  
11 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 50 C.F.R. 20.133;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. May 1, 2009; May 1, 2006; June 1, 2005; July 1, 1991; July 1, 1987; July 1, 1984;*

14 *July 1, 1983;*

15 *Temporary Amendment Eff. October 1, 2011;*

16 *Amended Eff. August 1, 2017; January 1, 2012;*

17 *Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0219

**DEADLINE FOR RECEIPT: January 12, 2022**

**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)(4), line 5, to whom shall permit holders submit their harvest reports?*

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

1 15A NCAC 10B .0219 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0219 COYOTE**

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

6 (1) There is no closed season for taking coyotes.

7 (2) There is no bag limit.

8 (2) Coyotes may be taken on private lands anytime during the day or night.

9 (3) Coyotes may be taken on public lands without a permit from the hours of one-half hour before  
10 sunrise until one-half hour after ~~sunset, sunset, and from one-half hour after sunset to one-half hour~~  
11 ~~before sunrise by permit only.~~

12 (4) Coyotes may be taken on public lands with a permit from one-half hour after sunset to one-half hour  
13 before sunrise.

14 (5) Hunters may use electronic calls and artificial lights to take coyotes.

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

16 (1) Coyote hunting on public lands is prohibited, except that coyotes may be taken on State-owned  
17 game lands by the holder of a permit for a specific special hunt opportunity for coyotes authorized  
18 by G.S 113-264(d). ~~Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow~~  
19 ~~hunting from the hours of one-half hour before sunrise until one-half hour after sunset. Contests or~~  
20 ~~competition coyote hunts on public lands are prohibited. If, within a calendar year, two or more red~~  
21 ~~wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State game~~  
22 ~~lands within the five counties identified in this Paragraph, all special hunts for coyotes on State~~  
23 ~~game lands within those five counties shall be suspended for one calendar year.~~

24 ~~(2) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private~~  
25 ~~lands from hours of one-half hour before sunrise until one-half hour after sunset only.~~

26 (2) Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours  
27 of one-half hour before sunrise until one-half hour after sunset.

28 (3) Contests or competition coyote hunts on public lands are prohibited.

29 (4) If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid  
30 special hunt permit for coyotes on State game lands within the five counties identified in this  
31 Paragraph, all special hunts for coyotes on State game lands within those five counties shall be  
32 suspended for one calendar year.

33 ~~(5)~~ (5) Coyotes may be taken on private lands by permit only, and any take shall be reported within 24  
34 hours to the Commission.

35 (6) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands  
36 from hours of one-half hour before sunrise until one-half hour after sunset only.

1 (4) Coyote hunting permits are in addition to hunting licenses. Individuals exempted ~~from~~ from license  
2 requirements under the provisions specified in G.S. 113-276 shall acquire the coyote hunting permits  
3 to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one  
4 calendar year and are subject to annual renewal. These permits are non-transferable. Permit holders  
5 shall submit their harvest reports in order to be eligible for permit renewal.

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

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

8  
9 *History Note: Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2;*

10 *Eff. July 1, 1993;*

11 *Temporary Amendment Eff. October 1, 2011;*

12 *Amended Eff. January 1, 2012;*

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

17 *Amended Eff. July 26, 2013;*

18 *Temporary Amendment Eff. February 27, 2015;*

19 *Amended Eff. July 1, 2016;*

20 *Readopted Eff. January 1, 2022.*  
21

1 15A NCAC 10B .0220 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0220 NUTRIA**

4 (a) There ~~shall be~~ is no closed ~~season~~ for taking nutria by hunting.

5 (b) There ~~shall be~~ is no bag ~~limit restrictions~~ limit.

6  
7 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.1(a);*

8 *Eff. July 1, 1996;*

9 *Readopted Eff. January 1, 2022.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0221 - .0222

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 History Note for both Rules, should the reference to G.S. 113-291 be instead to G.S. 113-291.1?*

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

1 15A NCAC 10B .0221 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0221 STRIPED SKUNK**

4 (a) There ~~shall be~~ is no closed ~~season~~. season for taking striped skunk by hunting.

5 (b) There ~~shall be~~ is no bag ~~limit restrictions~~. limit.

6  
7 *History Note: Authority G.S. 113-134; 113-291; 113-291.2;*

8 *Eff. May 1, 2006;*

9 *Readopted Eff. January 1, 2022.*

1 15A NCAC 10B .0222 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0222 ARMADILLO**

4 (a) ~~Open season.~~ There is no closed season for taking armadillo by hunting.

5 (b) ~~Bag limits.~~ There ~~are~~ is no bag ~~limit-limit.~~ ~~restrictions.~~

6  
7 *History Note: Authority G.S. 113-134; 113-291; 113-291.2;*

8 *Eff. August 1, 2010;*

9 *Readopted Eff. January 1, 2022.*

1 15A NCAC 10B .0225 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10B .0225 ELK**

4 (a) The season for taking elk ~~by hunting shall be~~ is October 1 ~~to~~ through November 1.

5 (b) Hunting ~~elk~~ shall be by permit only.

6 (c) The bag limit ~~shall be~~ is one per permit.

7 (d) Elk may be taken by any legal weapon as ~~defined~~ specified in G.S. 113-291.1.

8  
9 *History Note: Authority G.S. 113-134; 113-291; 113-291.1; 113-291.2;*

10 *Eff. August 1, 2016;*

11 *Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0301

**DEADLINE FOR RECEIPT: January 12, 2022**

**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), line 8, please delete or define "completely."*

*In (2), "Collarum" is spelled differently in G.S. 113-291.6. The statute uses "Collarumm."*

*In (5), please consider removing the parentheses and incorporating this language into the definition.*

*In the History Note, is the reference to G.S. 113-291.2 necessary? I was unable to see what in the statute referred to traps or their use.*

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25

## 15A NCAC 10B .0301 DEFINITIONS

- (1) "Breakaway device" means any device incorporated into a snare or snare component that allows the loop to break open, and an animal to escape completely free of the snare, when a specified amount of force is applied.
- (2) "Collarum™-type trap" means any power-activated snare that is activated when the trigger is pulled and that is designed to capture and restrain the animal by a cable around the neck.
- (3) "Leghold" and "foothold" mean any trap designed to hold an animal by the foot.
- (4) "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing beyond a specified point.
- (5) "Power-activated" means a snare on which the loop closure (speed or direction) is initiated or augmented by some type of powering device (e.g., a spring).
- (6) "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the captured animal when the cable is not taut.
- (7) "Snare" means any cable restraining device made from a cable and a locking mechanism. device.
- (8) "Steel-jaw" means any leghold or foothold trap in which the jaw(s) are made of metal.

*History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.6;*  
*Eff. January 1, 2011;*  
*Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0201

**DEADLINE FOR RECEIPT: January 12, 2022**

**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:

*Please consider using "his or her" instead of "their."*

*When does the requirement set in this Rule apply? Is it only while fishing? If so, please make that clear.*

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

## 15A NCAC 10C .0201 IDENTIFICATION

*History Note:* Authority G.S. 113-134; 113-276.1;  
Eff. February 1, 1976.  
Readopted Eff. January 1, 2022.



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0212

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 5, what does "property used in conjunction" mean? If this is property outside the hatchery itself that is owned by the State, say so.*

*In (a), line 5, please capitalize "State" if you are only referring to North Carolina.*

*Under what circumstances are exceptions for fishing events granted? What factors are considered? As a reminder, G.S. 150B-19 requires specific guidelines to be established in rule when agencies are waiving or modifying requirements set in rule.*

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

1 15A NCAC 10C .0212 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10C .0212 FISH HATCHERIES**

4 ~~(a) It shall be unlawful to fish~~ Fishing by any method ~~or~~ at any time in the waters of Bones Creek from the Lake Rim  
5 Dam to the US 401 Bypass (Raeford Road) or upon any property used in conjunction with any state fish hatchery is  
6 prohibited. hatchery, except McKinney Lake Reservoir at McKinney Lake State Fish Hatchery, or except as part of  
7 fishing events authorized by the North Carolina Wildlife Resources Commission. On Lake Rim it is unlawful to use  
8 power driven boats, except those powered by electric motors, to swim or bathe at any time, or to use, or have in  
9 possession, any minnows or other species of fish except golden shiners (shad roaches) for use as bait. Exceptions shall  
10 include McKinney Lake Reservoir at McKinney Lake State Fish Hatchery and any fishing events authorized by the  
11 North Carolina Wildlife Resources Commission.

12 (b) On Lake Rim it shall be unlawful to:

13 (1) use motorized boats, except those powered by electric motors;

14 (2) swim or bathe at any time; or

15 (3) use, or have in one's possession, any minnows, or other species of fish except golden shiners for  
16 use as bait.

17  
18 *History Note: Authority G.S. 113-134; 113-264; 113-292;*

19 *Eff. February 1, 1976;*

20 *Amended Eff. July 1, 1998; May 1, 1992;*

21 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*  
22 *2003).*

23 *Readopted Eff. January 1, 2022.*  
24

1 15A NCAC 10C .0213 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10C .0213 SNAGGING FISH**

4 ~~It is unlawful to take fish from any inland fishing waters by snagging. As used in this Rule, "snagging" means pulling~~  
5 ~~or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish thereon.~~  
6 Snagging by means of pulling or jerking a device equipped with one or more hooks through the water for the purpose  
7 of impaling fish is prohibited in all inland fishing waters.

8  
9 *History Note: Authority G.S. 113-134; 113-292;*

10 *Eff. January 1, 1977;*

11 *Amended Eff. July 1, 1989; January 1, 1981; January 1, 1979; January 1, 1978.*

12 *Readopted Eff. January 1, 2022.*  
13  
14  
15

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0217

**DEADLINE FOR RECEIPT: January 12, 2022**

**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), line 22, please delete the commas around "and accompanying youths."*

*In (a)(2), lines 25-26, please revise, as it currently reads as if the Commission confers access only to members of the public with both a valid license **and** accompanying youths. Also, is there a distinction between "any licensed angler" as used in (a)(1) and "any member of the public with a valid fishing license" as used in (a)(2)?*

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

Brian Liebman  
Commission Counsel

Date submitted to agency: December 28, 2021

1 15A NCAC 10C .0217 is readopted as published in 36:05 NCR 299 as follows:

2  
3 **15A NCAC 10C .0217 PUBLIC ACCESS FOR ANGLERS ONLY**

4 ~~(a) A landowner who has accepted from the Wildlife Resources Commission a sign indicating Public Access for~~  
5 ~~Fishing Only and posted such sign on his property agrees to allow any licensed angler, and accompanying youths, to~~  
6 ~~cross his or her property in order to access public waters for the purpose of fishing.~~

7 ~~(b) By accepting and posting the Public Access for Fishing Only sign, the landowner has designated the Wildlife~~  
8 ~~Resources Commission as an agent as described in G.S. 14-159.6. As an agent, the Commission confers access to any~~  
9 ~~member of the public with a valid fishing license and accompanying youths. Anglers who access property under the~~  
10 ~~terms of this Rule are prohibited from engaging in any of the following activities while on the private property unless~~  
11 ~~otherwise posted:~~

- 12 ~~(1) building fires;~~
- 13 ~~(2) littering;~~
- 14 ~~(3) swimming;~~
- 15 ~~(4) launching or retrieving boats;~~
- 16 ~~(5) camping;~~
- 17 ~~(6) causing property damage;~~
- 18 ~~(7) entering before 7 am; and~~
- 19 ~~(8) remaining on the property after 9 pm.~~

20 (a) By accepting and posting the Public Access for Fishing Only sign from the Wildlife Resources Commission on  
21 their property, a landowner:

- 22 (1) agrees to allow any licensed angler, and accompanying youths, to cross his or her property in order  
23 to access public waters for the purpose of fishing; and
- 24 (2) designates the Wildlife Resources Commission as an agent as described in G.S. 14-159.6. As an  
25 agent, the Commission confers access to any member of the public with a valid fishing license and  
26 accompanying youths.

27 (b) Anglers who access property under the terms of this Rule are prohibited from engaging in any of the following  
28 activities while on the private property unless otherwise posted:

- 29 (1) building fires;
- 30 (2) littering;
- 31 (3) swimming;
- 32 (4) launching or retrieving boats;
- 33 (5) camping;
- 34 (6) causing property damage;
- 35 (7) entering before 7 am; and
- 36 (8) remaining on the property after 9 pm.

- 1     *History Note:*     *Authority G.S. 14-159.6; 113-134; 113-305;*
- 2                             *Eff. August 1, 2014.*
- 3                             *Readopted Eff. January 1, 2022.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1601

**DEADLINE FOR RECEIPT: January 12, 2022**

**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 introductory statement, since Rule .1601 is new, please state "...is proposed for adoption..." rather than "is amended with changes." Please also update the Register information to "36:07."*

*Please move the title of the new Section .1600 below the introductory statement. Please delete "The agency proposes a new Section of the NCAC..." and simply show the new title underlined like this: "SECTION .1600 CONTROLLED RABBIT HUNTING PRESERVES."*

*In (a), line 8, is "or preserve" necessary following "controlled rabbit hunting preserve"?*

*In (a), line 9, what do "completely" and "permanently" mean?*

*In (a), what kind of fence is "designed to prevent the escape or entry of wild rabbits?" Will your regulated public know?*

*In (a), line 10, are the rabbits only pursued by dogs? Or are they taken by other means as well?*

*In (b), line 11, does "Appalachian" need to be capitalized?*

*In (b), line 12, what species are "indistinguishable" from the eastern cottontail, Appalachian cottontail, and marsh rabbits? Does your regulated public know? If they're indistinguishable, how does anyone know they're a separate species?*

*In (c)(2), line 15, please add an "and" or "or" following the final semi-colon.*

*In (j), please refer to "15A NCAC 10B .0207."*

*In (m), p. 2, line 10, what are "scientific" purposes?*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: December 28, 2021

The Agency proposes a new Section of the NCAC, 15A NCAC 10H .1600, to be titled **SECTION .1600**  
**CONTROLLED RABBIT HUNTING PRESERVES**

15A NCAC 10H .1601 is amended with changes as published in 37:07 NCAC 512-513 as follows:

**15A NCAC 10H .1601 CONTROLLED RABBIT HUNTING PRESERVES**

(a) For the purposes of this Rule, a controlled rabbit hunting preserve, or preserve, shall mean an area of any size that is completely and permanently enclosed with a fence designed to prevent the escape or entry of wild rabbits at any time, where wild rabbits are pursued with dogs.

(b) For the purpose of this Rule, “wild rabbits” means eastern cottontail (*Sylvilagus floridanus*), Appalachian cottontail (*Sylvilagus obscurus*), marsh rabbits (*Sylvilagus palustris*), and species indistinguishable from these species.

(c) The following conditions shall apply to the take of wild rabbits on controlled rabbit hunting preserves:

(1) take of wild rabbits shall be authorized year-round;

(2) dogs shall be the only authorized manner of take;

(3) unless otherwise exempt from license requirements, every person participating in the pursuit of rabbits on a controlled rabbit hunting preserve shall have a valid resident or nonresident hunting license or a controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.

(d) Any individual wanting to operate a controlled rabbit hunting preserve shall first obtain a controlled rabbit hunting preserve operator license from the Commission.

(e) One controlled hunting preserve operator license is required for each enclosure, except that one license is permitted for the same operator on properties not greater than 100 acres of contiguous acres of land regardless of the number of enclosures.

(f) Applicants for a controlled hunting preserve operator license shall show proof of ownership or lease of the land contained in the proposed controlled rabbit hunting preserve.

(g) Application for a controlled rabbit hunting preserve operator license shall be made online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

(1) the applicant's name, address, telephone number, date of birth; and

(2) the preserve name, address, county, acreage, and number of enclosures.

(h) License holders shall keep an accurate record of all rabbits released into or removed from the preserve on a form provided by the Commission. Records shall contain the following information:

(1) the number of rabbits released into the preserve;

(2) the county of origin; and

(3) name, address, and applicable hunting license number of the individual that provided the rabbits to the preserve.

(i) Records required in Paragraph (h) of this Rule shall be:

(1) available for inspection by representatives of the Commission upon request; and



1           (2)       submitted to and received by the Commission annually by May 1.

2       (j) In accordance with season and bag limits in Rule 10B .0207, rabbits may be box trapped inside an enclosure and  
3       moved between enclosures with a valid controlled rabbit hunting preserve operator license or valid hunting license.

4       (k) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by  
5       relocating the site of the preserve.

6       (l) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled rabbit  
7       hunting preserve operator license, provided the rules in this Section regarding establishment of such areas have been  
8       complied with.

9       (m) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled rabbit  
10       hunting preserve upon request or during the preserve's operating hours for inspection, enforcement, or scientific  
11       purposes.

12  
13       *History Note:*     Authority G.S. 113-134; 113-273(g); 113-276(k);  
14                               Eff. February 1, 2022.  
15