

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0409

DEADLINE FOR RECEIPT: Friday, January 15, 2021

NOTE: This request when viewed on computer extends 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 8, please capitalize "Rule" As this was published correctly in the Register, do not show it as a change; simply do it.

In (d), line 14, will the trappers know what the type and quantity is appropriate for the species?

In (e), how can you exempt them from tagging in light of the language in G.S. 113-294.1(g), which states:

(g) The Wildlife Resources Commission may provide for the sale of foxes lawfully taken in areas of open season as provided in subsection (f), under a system providing strict controls. The Wildlife Resources Commission must implement a system of tagging foxes and fox furs with a special fox tag, and the Commission may charge two dollars and twenty-five cents (\$2.25) for each tag furnished to hunters, trappers, and fur dealers. The fox tag or tags must be procured before taking foxes by any method designed to kill foxes or when the intent is to harvest foxes.

Is it the agency's position that the capture of live live foxes for sale is not a harvest?

In (f), line 18, what is "current and valid"? I note that this phrase is used in G.S. 113-273(b), so I take it your regulated public knows?

In (g), line 20, what do you mean by "accurate"?

Also on line 20, are the contents of the form what is listed in (g)(1) through (6)? And how is it provided by the Commission?

In (g)(3), (5), and (6), is this per animal?

In (h), line 28, consider replacing "the following requirements:" with "be:" or insert "be" at the beginning of (h)(1) through (3) on lines 29, 30, and 31.

In (h)(3), I am just asking – to be consistent with the rest of the Rule, should this state "licensed trapper"?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 7, 2021

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10B .0409 is readopted as published in 35:07 NCR 779 as follows:

2
3 **15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING**
4 **PRESERVES**

5 (a) In counties with a trapping season for foxes and coyotes that do not prohibit live sale, Licensed licensed trappers
6 may, subject to the restrictions on taking foxes in G.S.113- 291.4, live-trap foxes and coyotes during any open trapping
7 that season for foxes and coyotes, and sell them to licensed controlled fox hunting preserves in accordance with the
8 following conditions: conditions set forth in this rule.

9 (1)(b) Licensed trappers are exempt from eaging, captivity permit or and captivity license requirements set forth in
10 15A NCAC 10H .0300 for any live-trapped foxes or coyotes trapped for the purpose of sale to controlled fox hunting
11 preserves. This exemption shall apply during the trapping season for foxes and coyotes, and for no more than 40-30
12 days after the trapping season.

13 (c) Live-trapped foxes and coyotes shall not be held for more than 30 days after capture.

14 (d) Licensed trappers shall provide drinking water, food of a type and quantity appropriate for the species, and shelter
15 that protects the foxes and coyotes from direct sunlight and precipitation.

16 (2)(e) Licensed trappers are shall be exempt from tagging requirements set forth in this Section so long as the foxes
17 are kept alive.

18 (f) Licensed trappers and any individual(s) transporting live foxes and coyotes shall have a current and valid
19 transportation permit prior to taking possession of the live foxes and coyotes.

20 (g) Licensed trappers shall keep accurate written records, on a form provided by the Commission, for all foxes and
21 coyotes sold or transferred to a controlled fox hunting preserve. Records shall contain the following information:

22 (1) preserve operator license number, if applicable;

23 (2) transportation permit number;

24 (3) county of origin;

25 (4) number of animals of each species;

26 (5) date of capture; and

27 (6) date of sale or transfer.

28 (h) Records required pursuant to this Rule shall meet the following requirements:

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

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

31 (3) retained by the trapper for 12 months following transportation permit expiration.

32
33 *History Note: Authority G.S. 113-134; 113-273(g);113-291.4;*

34 *Eff. January 1, 1992;*

35 *Amended Eff. July 10, 2010; June 1, 2004;*

36 *Readopted Eff. February 1, 2021.*
37

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0308

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 Submission for Permanent Rule form, Box 8, should this be checked as being part of a combined analysis?

In the Rule, you made several changes after publication in the Register. Was this in response to public comment?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10F .0308 is amended with changes as published in 35:06 NCAC 669 as follows:

3 **15A NCAC 10F .0308 CLAY COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

- 5 (1) within 50 yards of the boat ramp at Ho Hum Campground;
- 6 (2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC
7 Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at
8 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
- 9 (3) ~~within 50 yards of the waters of Gibson Cove access area; Cove, [west]~~ south of a line ~~[at the mouth~~
10 ~~from a point on the north shore at 35.01424 N, 83.79614 W to a point on the south shore at 35.01022~~
11 ~~N, 83.79533 W;]~~ from a point on the east shore at 35.01005 N, 83.79750 W to a point on the west
12 shore at 35.01099 N, 83.79929 W, southwest to the end of Gibson Cove;
- 13 (4) within 50 yards of the Chatuge Cove Marina;
- 14 (5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of
15 a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore
16 at 35.02609 N, 83.73945 W;
- 17 (6) within 50 yards of the Chatuge Dam Spillway access ~~area; and area;~~
- 18 (7) the waters of McCracken ~~Cove; Cove; and~~
- 19 (8) within 50 yards of the peninsula at Clay County Recreational Park, from a point on the north shore
20 at ~~[35.00859 N, 83.79303 W;]~~ 35.00850 N, 83.79254 W, east to a point in the water at ~~[35.00894 N,~~
21 ~~83.79168 W;]~~ 35.00874 N, 83.79187 W, south to a point in the water at ~~[35.00778 N, 83.79096 W;]~~
22 35.00782 N, 83.79119 W, southwest to a point in the water at ~~[35.00655 N, 83.79192 W;]~~ 35.00672
23 N, 83.79211 W, west to a point on the shore at ~~[35.00678 N, 83.79261 W;]~~ 35.00696 N, 83.79259
24 W. ~~[and]~~
- 25 (9) ~~the waters of Dayton Cove, north of a line at the mouth from a point on the west shore at 34.99033~~
26 ~~N, 83.80840 W to a point on the east shore at 34.99072 N, 83.80555 W.]~~

27 (b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated
28 areas identified in Paragraph (a) of this Rule.

29 (c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked
30 public swimming area.

31 (d) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for placement
32 of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United
33 States Army Corps of Engineers.

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

36 *Eff. February 1, 1976;*

37 *Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;*

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, 2021; October 1, 2018; June 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0317

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 Submission for Permanent Rule form, Box 8, should this be checked as being part of a combined analysis?

In (a), consider changing (a)(1), line 5, to state "Lake; and" Then replace the period at the end of (a)(2)(A) with a semicolon and "and"

In (d), line 16, replace the colon after "Rule" to a period.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10F .0317 is amended as published in 35:06 NCR 669 as follows:

2
3 **15A NCAC 10F .0317 STANLY COUNTY**

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

5 (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and~~ Badin Lake.

6 ~~(2) Lake Tillery; Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.~~

7 (2) Lake Tillery.

8 (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.

9 (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry
10 Hill Drive in Norwood.

11 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any
12 public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

13 (c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any
14 marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

17 (e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for
18 placement of markers implementing this Rule.

19 *(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake*
20 *speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73*
21 *bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina*
22 *Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this*
23 *regulated area.*

24
25 *History Note: Authority G.S. 75A-3; 75A-15;*

26 *Eff. February 1, 1976;*

27 *Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977;*

28 *Temporary Amendment Eff. June 1, 1998;*

29 *Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*

32 *Amended Eff. October 1, 2018;*

33 *Emergency Amendment Eff. July 30, 2019;*

34 *Temporary Amendment Eff. June 1, 2020; October 1, 2019;*

35 *Amended Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0323

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 Submission for Permanent Rule form, Box 8, should this be checked as being part of a combined analysis? Please also confirm that you intended to check all of the boxes checked in Box 8.

Please end (a)(2)(l), line 34, with a semicolon and "and"

In the History Note, Page 2, line 21, why are you citing to G.S. 102-1.1?

Also in the History Note, please add the notation of the recent temporary rule amendment.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10F .0323 is amended as published in 35:06 NCR 669-670 as follows:

2
3 **15A NCAC 10F .0323 BURKE COUNTY**

4 (a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County:

5 (1) Lake Hickory;

6 (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following
7 locations:

8 (A) Holiday Shores Subdivision;

9 (B) Lake James Campground;

10 (C) Laurel Pointe Subdivision;

11 (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the
12 northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558
13 N, 81.82245 W;

14 (E) East Shores development;

15 (F) Eastern shore of Lake James at Mallard Cove;

16 (G) That portion of Lake James shore to shore, ~~beginning 50 yards northeast of the NC~~
17 ~~Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W,~~
18 ~~to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards~~
19 ~~southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257~~
20 ~~N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W; 385 yards~~
21 ~~northeast of the NC Highway 126 bridge at a line from a point on the north shore at~~
22 ~~35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and~~
23 ~~ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of~~
24 ~~the Canal Bridge Boating Access Area dock from a point on the northwest shore at~~
25 ~~35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;~~

26 (H) ~~Within 50 yards of the Canal Bridge Boating Access area dock;~~

27 ~~(H)~~ (H) The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a
28 point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from
29 a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to
30 a point west of the peninsula at 35.76307 N, 81.83648 W; and

31 ~~(I)~~ (I) The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters
32 beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423
33 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the
34 northeast shore of Linville Point at 35.76596 N, 81.82432 W.

35 (3) Lake Rhodhiss.

1 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated
2 public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on
3 designated waters of the areas described in Paragraph (a) of this Rule.

4 (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a
5 marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

6 (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to
7 enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.

8 (e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of
9 the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States
10 Army Corps of Engineers.

11 (f) *Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake*
12 *speed in the waters known as Mill Creek at Lake James State Park, on Lake James shore to shore, beginning 345*
13 *yards northwest of a line from a point on the southwest shore at 35.76016 N, 81.87322 W to a point on the northeast*
14 *shore at 35.762040 N, 81.87150 W, and ending at a line from a point on the southwest shore at 35.76215 N, 81.87624*
15 *W to a point on the northeast shore at 35.76343 N, 81.87442 W. Vessel entry not authorized by the North Carolina*
16 *Wildlife Resources Commission shall be prohibited by establishment of a safety zone in the waters of Mill Creek on*
17 *Lake James, northeast and northwest of a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a*
18 *point on the northeast shore at 35.76343 N, 81.87442 W. The North Carolina Wildlife Resources Commission shall*
19 *be the designated agency for placement and maintenance of markers for this regulated area.*

20
21 *History Note: Authority G.S. 75A-3; 75A-15; 102-1.1.*

22 *Eff. July 1, 1976;*

23 *Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;*

24 *Temporary Amendment Eff. April 1, 1999;*

25 *Amended Eff. July 1, 2000;*

26 *Temporary Amendment Eff. August 15, 2001;*

27 *Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
29 *6, 2016;*

30 *Amended Eff. November 1, 2017;*

31 *Emergency Amendment Eff. November 2, 2020.*

32 *Amended Eff. February 1, 2021*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1201

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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), who will determine the length of the adjustment period? I take it the operator, using Rule .1206(b) as the guide?

In (b)(5), line 15, please insert a comma after "gray fox" before "including"

In (e), line 27, this sentence reads awkwardly. Should it be "Information required from the applicant" or even rewritten to state, "The applicant shall provide the information, including:"?

In (f), line 31, should this state "... either by transferring the license to another operator or by relocating..."?

In (g), line 36, please make "rules" in "rules of this Section" lowercase. As this was published correctly in the Register, do not show it as a change – simply do it.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1201 is readopted as published in 35:07 NCR 780 as follows:

2
3 **15A NCAC 10H .1201 ~~LICENSE TO OPERATE~~ DEFINITIONS AND GENERAL REQUIREMENTS**

4 (a) The Rules in this section apply to all controlled hunting preserve operator licenses issued by the Wildlife Resources
5 Commission (Commission) in accordance with G.S. 113-273(g) for controlled fox hunting preserves.

6 (b) The following definitions shall apply to all rules in this Section:

7 (1) “Acclimation” means an adjustment period to allow foxes and coyotes to become accustomed to the
8 controlled fox hunting preserve.

9 (2) “Controlled fox hunting preserve” means an enclosed area where foxes and coyotes are pursued
10 with dogs.

11 (3) “Escape den” means a stationary manmade structure that provides refuge for foxes and coyotes from
12 dogs.

13 (4) “Dog proof fence” means a perimeter fence designed to prevent the ingress or egress of dogs, foxes,
14 or coyotes over, under, or through the fence.

15 (5) “Fox” means red fox and gray fox including their color morphs.

16 ~~(c) It shall be unlawful for any individual, firm, association or corporation~~ Any individual wanting to operate a
17 controlled fox hunting preserve without shall first obtain a controlled hunting preserve operator license from the
18 Commission. ~~North Carolina Wildlife Resources Commission a license for this purpose.~~

19 ~~(b) A controlled fox hunting preserve license shall entitle the holder or holders and their guests, to hunt foxes and~~
20 ~~coyotes at any time within the fenced area. Controlled fox hunting preserve licenses shall not be transferable, either~~
21 ~~as to operator or as to site of operation.~~

22 ~~(c)(d) Applicants for a controlled hunting preserve operator license shall be prepared to show proof of ownership or~~
23 lease of the land contained in the proposed controlled fox hunting preserve. ~~preserve or that they have this land under~~
24 ~~lease for the duration of the license period.~~

25 ~~(e) Application for a controlled fox hunting preserve operator licenses shall be made on forms obtained from the~~
26 Commission online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh,
27 NC 27606. Information required by the applicant shall include:

28 (1) the applicant’s name, address, telephone number, date of birth;

29 (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and

30 (3) species within the preserve.

31 (f) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by
32 relocating the site of the preserve.

33 ~~(d)(g)~~ Upon receipt of an application accompanied by the statutory license fee, the Commission shall issue a controlled
34 fox hunting preserve operator license, provided it is determined that the location and operation of such a hunting
35 preserve is consistent with the wildlife conservation program and in the public interest; and further provided that all
36 regulations herein the Rules in this Section regarding establishment of such areas have been complied with.

1 *History Note:* *Authority G.S. 113-134; 113-273(g);*
2 *Eff. August 1, 1990;*
3 *Amended Eff. June 1, 2004;*
4 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1202

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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), lines 8-9, how is this approval sought?

On line 11, please delete "minimum" here. Rules set the minimum requirements, and you have "at least" in (a)(1) through (3), so it's duplicative.

In (a)(1), line 12, (a)(2), line 13, and (a)(3), line 14, delete the number within the parenthesis and retain only the spelled-out numbers. As this was published correctly in the Register, do not show it as a change – simply do it.

In (a)(4), line 15, why do you need "purposely placed or allowed to exist"? Doesn't "is free from structures or vegetation that enables wild animals to enter or exit the preserve." suffice?

In (c)(4), line 34, delete the "and" at the end of the sentence.

Please end (c)(5), line 36, and (c)(6), Page 2, line 3 with semicolons rather than periods in order to be consistent with the rest of the Paragraph. And please insert an "and" after "permit;" at the end of (c)(6).

In (c)(6), line 2, and (c)(7), line 4, should this read "current and valid transportation permit" to mirror the language in 10B .0409?

In (c)(7), so that I'm clear – the transporter must have a transportation permit or a copy of the operator's license? And what license do you mean – the controlled hunting preserve operator license?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1202 is readopted with changes as published in 35:07 NCR 780 as follows:

2
3 **15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION**

4 (a) Size of Preserve. ~~Controlled fox hunting preserves operated for commercial purposes shall be an area of not less~~
5 ~~than 500 acres except that smaller areas containing terrain and topographical features which offer escape cover to the~~
6 ~~fox and coyote populations are allowed under specific approval by the Wildlife Resources Commission~~ [Controlled
7 fox hunting preserves shall be at least five acres in size.]

8 (b)(a) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and
9 hydrology of the preserve, ~~A controlled fox hunting preserve must preserve shall~~ be enclosed with a dog-proof fence
10 ~~that is also designed to prevent the escape of foxes and coyotes released within the pen. This fencing must be~~
11 ~~maintained at all times.~~ meets the following minimum requirements:

- 12 (1) is at least four (4) feet high;
13 (2) has a top electrified wire at least three (3) feet above the ground surface;
14 (3) has a bottom electrified wire no more than one (1) foot above the ground surface; and
15 (4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals
16 to enter or exit the preserve.

17 [(e)(b) Escape Dens. Controlled fox hunting preserves less than 106 acres shall have a minimum of three escape
18 dens. Those preserves equal to or greater than 106 acres shall have one additional escape den per 1-35 acre interval
19 thereafter.

20 [(d)(c) Stocking Preserve With with Game. Game: The following shall apply to foxes and coyotes released into a
21 preserve:

- 22 (1) only foxes and coyotes may be released onto controlled fox hunting preserves;
23 (2) In addition to purchasing operators may purchase live foxes and coyotes as provided in from:
24 (A) licensed trappers in accordance with G.S. 413-273(g), 113-273(g); operators of
25 controlled fox hunting preserves may also purchase live foxes and coyotes from
26 (B) other licensed controlled fox hunting preserves; preserves;
27 (C) licensed North Carolina-fur propagators, propagators; or
28 (D) persons holding foxes or coyotes legally under a North Carolina wildlife captivity
29 license. license.
- 30 ~~(2)(3)~~ Licensed licensed controlled fox hunting preserve operators may hold legally obtained foxes and
31 coyotes ~~under rules that apply to a captivity license in accordance with food, sanitation, and~~
32 enclosure requirements in 15A NCAC 10H .1404;
- 33 (4) licensed controlled fox hunting preserve operators and may transport legally acquired foxes and
34 coyotes from the place of purchase to the controlled fox hunting ~~preserve. preserve; and~~
- 35 ~~(3)(5)~~ Foxes-foxes and coyotes ~~may shall~~ not be imported into North Carolina for release into controlled
36 fox hunting preserves.
- 37 (4) ~~The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.~~

1 ~~(5) — The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.~~

2 (6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a valid
3 transportation permit.

4 (7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a valid
5 transportation permit or a copy of the operator's current license.

6 [(e)](d) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the
7 nearest dog as follows:

8 (1) fox only preserve: .5 dog per 1 acre;

9 (2) fox and coyote preserve: .75 dog per 1 acre; and

10 (3) coyote only preserve: 1 dog per 1 acre.

11
12 *History Note: Authority G.S. 113-134; 113-273(g);*

13 *Eff. August 1, 1990;*

14 *Amended Eff. June 1, 2004;*

15 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1203

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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, appears "visibly healthy and free from disease" to whom?

In (b), line 8, I do not believe "48 hours" should be hyphenated here.

In (c)(1), line 15, why do you need "specifically" here?

So that I'm clear – quarantine will include (c)(1) through (4) every time, or just some of these? If it's only some, please change the "and" at the end of (c)(3) to "or"

In (d), line 21, please insert a comma after "dogs"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1203 is readopted as published in 35:07 NCR 781 as follows:

2
3 **15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED**

4 ~~(a) All foxes and coyotes purchased, acquired, transferred, released, sold, or raised for release on controlled~~
5 ~~fox hunting preserves shall be appear visibly healthy and free from disease. disease of any kind. An examination and~~
6 ~~inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time.~~

7 ~~(b) All dead foxes and coyotes, except those killed taken by lawful method(s) dogs during a hunt, or diseased foxes~~
8 ~~and coyotes found within the pen shall be reported to the Commission within 48-hours of discovery. submitted to a~~
9 ~~North Carolina Department of Agriculture diagnostic lab for diagnosis. A copy of the diagnostic report shall be mailed~~
10 ~~to the Wildlife Resources Commission. Possession of unhealthy or diseased foxes and coyotes shall be grounds for~~
11 ~~revocation or denial of a controlled fox hunting preserve license.~~

12 ~~(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located.~~
13 ~~identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may~~
14 ~~include:~~

- 15 (1) temporarily prohibiting removal or introduction of foxes and coyotes except as specifically provided
16 by written permit issued by the Commission.
17 (2) notification to the county health department;
18 (3) cleaning or disinfection of the facility; and
19 (4) temporary license suspension.

20 ~~(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of~~
21 ~~disease exposure to humans, foxes, coyotes, domestic dogs or other animals.~~

22
23 *History Note: Authority G.S. 113-134; 113-273(g);*
24 *Eff. August 1, 1990;*
25 *Amended Eff. June 1, 2004;*
26 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1204

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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, what do you mean by "accurate"?

On line 5, simply remove the "~~and~~" after "into" as the word was not published in the Register.

In (b), line 15, what do you mean by "normal" operating hours? I see that G.S. 113-273(b)(3) speaks to inspection during "reasonable hours," so I understand the intent to mirror the statute. Still, do you need "normal" here?

In the History Note, it appears to me that you are relying upon G.S. 113-273(b) and (g) as authority for this Rule, so I recommend simply citing to G.S. 113-273.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1204 is readopted as published in 35:07 NCR 781 as follows:

2
3 **15A NCAC 10H .1204 RECORDS REQUIRED**

4 ~~(a) License holders shall keep an accurate record~~ record, on a form provided by the Commission, ~~including bill of sale~~
5 for all foxes and coyotes ~~released into and~~ or removed from the preserve from licensed trappers, other licensed
6 ~~controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a~~
7 ~~captivity license. released into the controlled fox hunting preserve~~ Records shall contain the following information:

8 (1) ~~preserve operator license, propagator license, or captivity license number, if applicable;~~

9 (2) ~~trapper identification number or name and address, if applicable;~~

10 (3) ~~transportation permit number, if applicable;~~

11 (4) ~~species and quantity of each;~~

12 (5) ~~date of purchase or transfer; and~~

13 (6) ~~county of origin.~~

14 ~~(b) Records shall be maintained and~~ available for inspection by ~~officials of representatives of the North Carolina~~
15 ~~Wildlife Resources Commission at all times. upon request and during normal operating hours.~~

16 ~~(c) Records shall be submitted to the Commission prior to the reissuance of the license.~~

17 ~~(d) Records shall be retained by the license holder for 12 months following expiration of the license.~~

18
19 *History Note: Authority G.S. 113-134; 113-273(g);*

20 *Eff. August 1, 1990;*

21 *Amended Eff. June 1, 2004;*

22 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1205

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 6, I do not understand the cross-reference to Rule 10B .0114. [Please note, I do understand the use of that cross-reference in (b)]. What is the intent of citing to it in Paragraph (a)?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1205 is readopted as published in 35:07 NCR 782 as follows:

2
3 **15A NCAC 10H .1205 HUNTING LICENSE REQUIRED**

4 ~~(a) Every person hunting participating in the pursuit of wildlife on a controlled fox hunting preserve shall have in his~~
5 ~~possession a proper valid resident or nonresident hunting license or special-controlled hunting preserve hunting license~~
6 ~~for the current year as required by law. in his or her possession, in accordance with 15A NCAC 10B .0114.~~

7 ~~(b) Nonresidents participating in a Commission-sanctioned field trial trial, as defined in 15A NCAC 10B .0114,~~
8 ~~properly approved in advance by a Wildlife Enforcement Officer are exempt from North Carolina licensing~~
9 ~~requirements in section (a) of this Rule, provided providing they possess have a valid hunting license from their state~~
10 ~~of residence residence in their possession.~~

11
12 *History Note: Authority G.S. 113-134; 113-273(g);*

13 *Eff. August 1, 1990;*

14 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1206

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 7, did you mean to delete "as follows:"? If not, then delete the period after "coyotes" on line 6.

In (b)(1), I take it your regulated public knows what is appropriate here?

In (b)(2), line 9, what is "constant"? Is this known?

Also on line 9, do you need "provided" since the term is also on line 6?

In (b), line 11, what is "newly" here? Does your regulated public know?

In (b)(1), line 13, delete "(7)" As it was not published in the Register, you will not show it as a change – simply do it.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1206 is readopted as published in 35:07 NCR 782 as follows:

2
3 **15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES**

4 ~~(a) A minimum of one dog proof escape den for each 35 acres contained in the controlled fox hunting preserve must~~
5 ~~be provided and maintained.~~

6 ~~(b)(a) Adequate food, Food and clean water water, and cover shall be provided to foxes and coyotes. provided to~~
7 ~~maintain a viable population of foxes within the controlled fox hunting preserve.as follows:~~

8 (1) food shall be of a type and quantity that is appropriate for the species; and

9 (2) a constant supply of drinking water shall be available or provided.

10 ~~(c) Since the intent of these rules is to promote a fair chase situation involving a resident population of foxes, the~~

11 ~~(b) operator should make provisions~~ The following conditions shall apply to acclimate the acclimation of newly
12 ~~introduced foxes and coyotes: to the escape mechanisms located within the pen prior to pursuing the foxes with dogs.~~

13 (1) the acclimation period shall be at least seven (7) days;

14 (2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area
15 used for acclimation; and

16 (3) chase by dogs during the acclimation period shall be prohibited.

17
18 *History Note: Authority G.S. 113-134; 113-273(g);*

19 *Eff. August 1, 1990;*

20 *Readopted Eff. February 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1207

DEADLINE FOR RECEIPT: Friday, January 15, 2021

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 do you mean by "upon request to the license holder"? Is this to address planned inspections, or is the intent to come outside of operating hours?

On line 6, does your regulated public know what "scientific purposes" are in this context

In (b), line 9, what are "certain" provisions here?

On line 9, make "rules" in "rules of this Section" lowercase. As you published it correctly in the Register, do not show it as a change – simply do it.

In (b)(1), line 12, end the phrase after "(b)" You do not need to state that you are referring to NC statutes.

In (b)(2), line 13, what is "purposefully" here?

In (b)(4), line 15, what are the "appropriate" agencies? Is it the Commission and the public health department, as mentioned in Rule .1203?

In (d) and (e), what other actions could be taken besides the four listed?

In the History Note, it appears to me that you are relying upon G.S. 113-273(b) and (g) as authority for this Rule, so I recommend simply citing to G.S. 113-273.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 7, 2021

1 15A NCAC 10H .1207 is readopted as published in 35:07 NCR 782 as follows:

2
3 **15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE**

4 (a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting
5 preserve upon request to the license holder or during the preserve's operating hours for inspection, enforcement, or
6 scientific purposes.

7 (b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license
8 holder's controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter
9 IV of Chapter 113 of the North Carolina General Statutes, certain provisions of G.S. 14-360, the Rules of this Section,
10 or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based
11 upon the seriousness of the violation, which may include:

12 (1) felony animal abuse as specified in G.S. 14-360(a1) and (b) of the North Carolina General Statutes;

13 (2) purposefully releasing foxes and coyotes into the wild;

14 (3) falsifying records; or

15 (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

16 ~~In accordance with provisions of G.S. 113-273(g) the Wildlife Resources Commission may revoke or suspend the~~
17 ~~license of any controlled fox hunting preserve operator upon violation of these rules.~~

18 ~~(c) Where there is evidence of such a violation, the Executive Director or his designee~~ The Commission ~~shall give the~~
19 ~~operator license holder written notice in accordance with G.S. 113-276.2(e) before revoking a license. 20 days notice~~
20 ~~in writing to show cause to the Executive Director or his designee why his license should not be suspended or revoked.~~

21 (d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed
22 animal(s), which may include seizure, release, relocation, or euthanasia.

23 (e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine
24 disposition of the animals, which may include seizure, release, relocation, or euthanasia.

25
26 *History Note: Authority G.S. 113-134; 113-273(g);*

27 *Eff. August 1, 1990;*

28 *Readopted Eff. February 1, 2021.*