



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

**OAH USE ONLY**

**VOLUME:**

**ISSUE:**

<b>1. Rule-Making Agency: NC Wildlife Resources Commission</b>
<b>2. Rule citation &amp; name: 15A NCAC 10B .0202 Bear</b>
<b>3. Action:</b> <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
<b>4. Was this an Emergency Rule:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Effective date:</b>
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: May 18, 2020 b. Proposed Temporary Rule published on the OAH website: May 22, 2020 c. Public Hearing date: June 3, 2020 d. Comment Period: May 26, 2020 to June 19, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 21, 2020 f. Adoption by agency on: July 23, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
<b>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</b> <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: G.S.150B-21.1(a)(7)  <b>Explain:</b> The WRC has statutory authority (G.S. 150B-21.1(a)(7) to establish hunting seasons. Due to the convention for how seasons of take are established in rule, this year when November 1 falls on a Sunday, the first segment of the bear season in Camden, Chowan, and Pasquotank counties begins a week and one day earlier than intended. Allowing this would be counter to bear management objectives and detrimental to the bear population, a public resource of the people of North Carolina.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

Adhering to the notice and hearing requirements of the APA for permanent rulemaking would be contrary to public interest, as under those procedures there is not enough time to correct the season dates before the season opens. Which, as previously mentioned, would be counter to bear management objectives and detrimental to the bear population, a public resource of the people of North Carolina.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

☐ Yes

Agency submitted request for consultation on:  
Consultation not required. Cite authority:

☒ No

**9. Rule-making Coordinator:** Carrie Ruhlman

**Phone:** 919-707-011

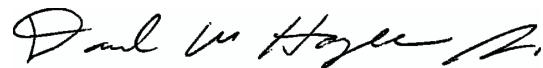
**E-Mail:** carrie.ruhlman@ncwildlife.org

**Agency contact, if any:** Michael Smallwood

**Phone:** 919-707-0014

**E-Mail:** Michael.smallwood@ncwildlife.org

**10. Signature of Agency Head\*:**



**\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** David Hoyle Jr.

**Title:** Chairman

**E-Mail:** davidwhoylejr@gmail.com

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 15A NCAC 10B .0202 is adopted under temporary procedures 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-Sunday, when November 1 falls on a~~  
19 Sunday the season shall be from the third Sunday in November through the following Sunday,  
20 and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden,  
21 Chowan, and 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) of this Rule.  
8 (5) Bears shall not be taken while in the act of consuming bait.  
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.

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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, ~~2019-2019~~;*  
33 *Temporary Amendment Eff. September 1, 2020.*  
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