



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

NC Wildlife Resources Commission

2. Rule citation & name:

15A NCAC 10A .1601 License Fees

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 28, 2019

b. Proposed Temporary Rule published on the OAH website: September 3, 2019

c. Public Hearing date: September 18, 2019

d. Comment Period: September 9, 2019 - October 1, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): September 9, 2019

f. Adoption by agency on: October 24, 2019

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]: January 1, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: SL 2019-204
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

The Commission was in the process of adopting permanent rules to establish and increase fees in rule per G.S. 113-270.1B(e) when HB 597 was introduced. This bill changed license structure, increased and established several fees, and modified GS 113-270.1B(e) by adding permits, stamps and certifications to the CPI-U increase and giving the Commission the authority to round up on the CPI-U increase to the next whole dollar.

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

In order to avoid confusion among constituents, align with the calendar year, and only undertake one fee increase, the Commission proposes adopting the temporary fee rule to transfer all licenses, permits, stamps and certifications to rule and increase those fees that were not increased in the bill by the total increase in the CPI-U rounded up to the next whole dollar over the period of time since the last fee increase.

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

☒ Yes

Agency submitted request for consultation on: September 3, 2019

Consultation not required. Cite authority:

☐ No

9. Rule-making Coordinator:

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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: davidwhoylej@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE
WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

REQUIRE PLACEMENT OF VALIDATION DECALS ON BOTH SIDES OF VESSELS

SECTION 1. G.S. 75A-5 reads as rewritten:

"§ 75A-5. Application for certificate of number; fees; reciprocity; change of ownership; conformity with federal regulations; records; award of certificates; renewal of certificates; transfer of partial interest; destroyed or junked vessels; abandonment; change of address; duplicate certificates; display.

(a) Application for Certificate of Number. – The owner of each vessel requiring numbering by this State shall file an application for a certificate of number with the Commission. The Commission shall furnish application forms and shall prescribe the information contained in the application form. The application shall be signed by the owner of the vessel or the owner's agent and shall be accompanied by a fee, as set out in subsection (a1) of this section. The fee does not apply to vessels owned and operated by nonprofit rescue squads if they are operated exclusively for rescue purposes, including rescue training. The owner shall have the option of selecting a one-year numbering period or a three-year numbering period. Upon receipt of the application in approved form, the Commission shall enter the application in its records and issue the owner a certificate of number stating the identification number awarded to the vessel and the name and address of the owner, and a validation decal indicating the expiration date of the certificate of number. The owner shall paint on or attach to each side of the bow of the vessel the identification number and validation decals in such manner as may be prescribed by rules of the Commission in order that it may be clearly visible. The identification number shall be maintained in legible condition. ~~The validation decal shall be displayed on the starboard bow of the vessel immediately following the number.~~ The certificate of number shall be pocket size and shall be available for inspection on the vessel for which the certificate is issued at all times the vessel is in operation. Any person charged with failing to so carry a certificate of number shall not be convicted if the person produces in court a certificate of number previously issued to the owner that was valid at the time of the alleged violation.

...."

**AMEND DEFINITIONS RELATED TO WILDLIFE RESOURCES COMMISSION
PROPERTY AND MOUNTAIN TROUT WATERS**

SECTION 2. G.S. 113-129 reads as rewritten:

"§ 113-129. Definitions relating to resources.

The following definitions and their cognates apply in the description of the various marine and estuarine and wildlife resources:

...

Commission in accomplishing the purposes of the agency as set forth in G.S. 143-239.

(e) The Board of Trustees of the Wildlife Endowment Fund may accumulate the investment income of the fund until the income, in the sole judgment of the trustees, can provide a significant supplement to the budget of the Wildlife Resources Commission. After that time the trustees, in their sole discretion and authority, may direct expenditures from the investment income of the fund for the purposes set out in division (4) of subsection (d).

(f) Expenditure of the investment income derived from the Wildlife Endowment Fund shall be made through the State budget accounts of the Wildlife Resources Commission in accordance with the provisions of the Executive Budget Act. The Wildlife Endowment Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

(f1) At all times during which the cash balance in the Wildlife Endowment Fund is equal to or greater than the sum of one hundred million dollars (\$100,000,000), the Wildlife Resources Commission shall budget at least twenty-five percent (25%) of the annual expendable ~~interest~~ investment income from the Fund, as determined by the Board of Trustees of the Fund, to implement the conservation goals set forth in the Wildlife Resource Commission's strategic plan.

(g) The Wildlife Endowment Fund and the investment income therefrom shall not take the place of State appropriations or agency receipts placed in the Wildlife Resources Fund, or any part thereof, but any portion of the income of the Wildlife Endowment Fund available for the purpose set out in ~~division-subdivision~~ (4) of subsection (d) shall be used to supplement other income of and appropriations to the Wildlife Resources Commission to the end that the Commission may improve and increase its services and become more useful to a greater number of people.

(h) In the event of a future dissolution of the Wildlife Resources Commission, such State agency as shall succeed to its budgetary authority shall, ex officio, assume the trusteeship of the Wildlife Endowment Fund and shall be bound by all the limitations and restrictions placed by this section on expenditures from the fund. No repeal or modification of this section or of G.S. 143-239 shall alter the fundamental purposes to which the Wildlife Endowment Fund may be applied. No future dissolution of the Wildlife Resources Commission or substitution of any agency in its stead shall invalidate any lifetime license issued in accordance with G.S. 113-270.1D(b), 113-270.2(c)(2), ~~or 113-271(d)(3).~~ 113-271(d)(3), or 113-351(c)."

VARIOUS LICENSE CHANGES

SECTION 6.(a) G.S. 113-270.1B reads as rewritten:

"§ 113-270.1B. License required to hunt, fish, or trap; fees set by Commission.

(a) Except as otherwise specifically provided by law, no person may hunt, fish, trap, or participate in any other activity regulated by the Wildlife Resources Commission for which a license is provided by law without having first procured a current and valid license authorizing the activity.

(b) Except as indicated otherwise, all ~~licenses are annual licenses~~ licenses, permits, stamps, and certifications are valid from the date of issue for a period of 12 months.

(c) As used in this section, the term "effective date" means the later of:

- (1) The date of purchase of a new license.
- (2) The first day after the expiration of a currently valid license of the same type held by the licensee.

(d) For those licenses sold directly through the Commission by telephone, mail, online, or at a service counter, the Commission may charge a fee of two dollars (\$2.00) per transaction. A fee may not be charged by the Commission for federal Harvest Information Program (HIP) certification, big game harvest report cards for lifetime license holders, exempt landowners,

persons of less than 16 years of age, or for any other license or vessel transactions for which there is no charge.

(e) The Wildlife Resources Commission shall adopt rules to establish fees for ~~the hunting, fishing, trapping, and activity licenses~~ all licenses, permits, stamps, and certifications issued and administered by the Wildlife Resources ~~Commission~~ Commission, except those specified in G.S. 113-173. No rule to increase fees above January 1, 2015, ~~levels~~ may increase a fee in excess of the total increase in the Consumer Price Index for All Urban ~~Consumers~~ Consumers, rounded up to the next whole dollar, over the period of time since the last fee change.

The statutory fees for the hunting, fishing, trapping, and activity licenses issued and administered by the Wildlife Resources Commission shall expire when the rules adopted pursuant to this subsection become effective."

SECTION 6.(b) G.S. 113-270.1C reads as rewritten:

"§ 113-270.1C. Combination hunting and inland fishing licenses.

(a) The combination hunting and inland fishing licenses set forth in subsection (b) of this section entitle the licensee to ~~take, except on game lands, take~~ all wild birds and wild animals, other than big game and waterfowl, by all lawful ~~methods~~ methods, except trapping, and in all open seasons, and to fish with hook and line in all inland and joint fishing waters, ~~except and public mountain trout waters.~~ waters, but does not entitle the licensee to engage in fishing in coastal fishing waters. A combination hunting and inland fishing license issued under this section ~~does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~ entitles the licensee to access and use Wildlife Resources Commission Property.

(b) Combination hunting and inland fishing licenses issued by the Wildlife Resources Commission are:

- (1) Resident Annual Combination Hunting and Inland Fishing License – ~~\$25.00.~~ \$35.00. This license shall be issued only to an individual resident of the State.
- (2), (3) Repealed by Session Laws 1997-326, s. 2.
- (4) Repealed by Session Laws 2005-455, s. 1.6, effective January 1, 2007.
- (5) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs. This license remains valid for the lifetime of the ~~licensee so long as the licensee remains fifty percent (50%) or more disabled.~~ licensee. ~~This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).~~
- (6) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration. This license remains valid for the lifetime of the licensee. ~~This license entitles the licensee to fish in public mountain trout waters as provided in G.S. 113-272(a).~~

SECTION 6.(c) G.S. 113-270.1D reads as rewritten:

"§ 113-270.1D. Sportsman licenses.

(a) Annual Sportsman License – \$50.00. This license shall be issued only to an individual resident of the State and entitles the licensee to take all wild animals and wild birds, including waterfowl, by all lawful ~~methods~~ methods, except trapping, in all open seasons, ~~including the use of game lands,~~ and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout ~~waters.~~ waters, but does not entitle the licensee to engage in fishing in coastal waters. An annual sportsman license issued under this subsection ~~does not~~

~~entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~entitles the licensee to access and use Wildlife Resources Commission Property.

(b) ~~Lifetime Sportsman Licenses. – Except as provided in subdivision (7) of this subsection, lifetime~~Lifetime sportsman licenses are valid for the lifetime of the licensees. Lifetime sportsman licenses entitle the licensees to take all wild animals and wild birds by all lawful ~~methods~~methods, except trapping, in all open seasons, ~~including the use of game lands,~~ and to fish with hook and line for all fish in all inland and joint fishing waters, including public mountain trout ~~waters.~~waters, but do not entitle the licensee to engage in fishing in coastal fishing waters, except if the license was purchased before January 1, 2006, pursuant to G.S. 113-174.2(d)(2). A lifetime sportsman license issued under this subsection ~~does not entitle the licensee to engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~entitles the licensee to access and use Wildlife Resources Commission Property. Lifetime sportsman licenses issued by the Wildlife Resources Commission are:

- (1) Infant Lifetime Sportsman License – \$200.00. This license shall be issued only to an individual under one year of age.
- (2) Youth Lifetime Sportsman License – \$350.00. This license shall be issued only to an individual under 12 years of age.
- (3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be issued only to an individual resident of the State who is 12 years of age or older but younger than 70 years of age.
- (4) Nonresident Lifetime Sportsman License – \$1,200. This license shall be issued only to an individual nonresident of the State.
- (5) Age 70 Resident Lifetime Sportsman License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
- (6) Repealed by Session Laws 2005-455, s. 1.7. effective January 1, 2007.
- (7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission.~~This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.~~
- (8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission.
- (9) **(Effective July 1, 2019)** Fallen Wildlife Officers Memorial Lifetime Sportsman License. – This license shall also be known as the John Oliver Edwards Memorial Lifetime Sportsman License and shall be issued free of charge only to a surviving spouse, child, grandchild, or great-grandchild of a wildlife enforcement officer killed in the line of duty."

SECTION 6.(d) G.S. 113-270.2 reads as rewritten:

"§ 113-270.2. Hunting licenses.

(a) The hunting licenses set forth in subdivisions (1), ~~(3), (2), (5), (6), and (6)-(7)~~ of subsection (c) of this section entitle the holder to ~~take, except on game lands, take~~ wild birds and wild animals, other than big game and waterfowl, by all lawful ~~methods~~methods, except trapping, and in all open seasons. Unless otherwise specified, a hunting license issued under this subsection entitles the licensee to access and use Wildlife Resources Commission Property. The

comprehensive hunting licenses of subdivisions (2) and (5) of subsection (c) of this section further entitle the holder to take big game and ~~waterfowl and to use game lands, waterfowl.~~

(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 2.

(c) The hunting licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident State Hunting License – ~~\$20.00.~~ \$25.00. This license shall be issued only to an individual resident of the State.
- (2) Lifetime Resident Comprehensive Hunting License – \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the holder.
- (3) Repealed by Session Laws 2013-283, s. 3, effective August 1, 2014.
- (4) Controlled Hunting Preserve Hunting License – \$20.00. This license shall be issued to an individual resident or nonresident to take only ~~foxes–foxes,~~ coyotes, rabbits, and domestically raised chukars, Hungarian partridges, and game birds, other than wild turkey, only within a controlled hunting preserve licensed and operated in accordance with G.S. 113-273(g) and implementing rules of the Wildlife Resources Commission. This license does not authorize access to or use of Wildlife Resources Commission Property.
- (5) Resident Annual Comprehensive Hunting License – \$36.00. This license shall be issued only to an individual resident of the State.
- (6) Nonresident State Hunting License. This license shall be issued only to a nonresident. The nonresident State hunting licenses issued by the Wildlife Resources Commission are:
 - a. Season License – ~~\$80.00.~~ \$100.00.
 - b. Ten-Day License – ~~\$60.00.~~ \$80.00. This license is valid for the 10 consecutive dates indicated on the license.
- (7) Falconry Hunting License – \$25.00. This license shall be issued to an individual resident or nonresident and authorizes taking wildlife by means of falconry. In addition to a falconry hunting license, the license holder shall also possess a valid falconry license as described in G.S. 113-270.3(b)(4). This license expires June 30.

(d) One dollar (\$1.00) of the proceeds received from the sale of each nonresident hunting license sold pursuant to subdivision (6) of subsection (c) of this section shall be set aside by the Wildlife Resources Commission and contributed to a proper agency or agencies in the United States for expenditure in Canada for the restoration and management of migratory waterfowl."

SECTION 6.(e) G.S. 113-270.3 reads as rewritten:

"§ 113-270.3. Special activity licenses; big game kill reports.

(a) In addition to any hunting, trapping, or fishing license that may be required pursuant to G.S. 113-270.1B(a), individuals engaging in specially regulated activities must have the appropriate special activity license and stamp prescribed in this section before engaging in the regulated activity.

(b) The special activity licenses and stamp issued by the Wildlife Resources Commission are as follows:

...

- (2) Nonresident Big Game Hunting License. This license shall be issued only to an individual nonresident of the State and entitles the holder to take big game by all lawful methods and during all open seasons. The nonresident big game hunting licenses issued by the Wildlife Resources Commission are:
 - a. Season License – ~~\$80.00.~~ \$100.00.
 - b. Ten-Day License – ~~\$60.00.~~ \$80.00. This license is only valid for the 10 consecutive dates indicated on the license.

...

- (3) Game Land License – \$15.00. ~~This license shall be issued to an individual resident or nonresident of the State and entitles the holder to hunt and trap on game lands managed by the Wildlife Resources Commission.~~ The Wildlife Resources Commission may, pursuant to G.S. 113-264(a), designate in its rules ~~other~~ activities on game lands that require purchase of this license and may charge additional fees for use of specially developed facilities.
- (4) Falconry License – \$10.00. This license shall be issued to an individual resident or nonresident of the State and must be procured before:
 - a. Taking, importing, transporting, or possessing a raptor; or
 - b. Taking wildlife by means of falconry.

In addition to a falconry license, license holders 16 years of age and older must also possess a hunting license as set forth in G.S. 113-270.1C, 113-270.1D, and 113-270.2 when taking wildlife by means of falconry. The Wildlife Resources Commission may issue classes of falconry licenses necessary to participate in the federal/State permit system, require necessary examinations before issuing licenses or permits to engage in various authorized activities related to possession and maintenance of raptors and the sport of falconry, and regulate licenses as required by governing federal law and rules. To defray the costs of administering required examinations, the Wildlife Resources Commission may charge reasonable fees upon giving them. To meet minimum federal standards plus other State standards in the interests of conservation of wildlife resources, the Wildlife Resources Commission may impose all necessary controls, including those set out in the sections pertaining to collection licenses and captivity licenses, and may issue permits and require reports, but no collection license or captivity license is needed in addition to the falconry license.

...."

SECTION 6.(f) G.S. 113-270.5 reads as rewritten:

"§ 113-270.5. Trapping licenses.

(a) Except as otherwise specifically provided by law, ~~no one may take fur-bearing animals by trapping, or by any other authorized special method that preserves the pelt from injury, without first having procured a current and valid trapping license. When the trapping license is required, it serves in lieu of a hunting license in the taking of fur bearing animals. If fur-bearing animals are taken as game, at the times and by the hunting methods that may be authorized, hunting license requirements apply.~~ no person may take wild animals by trapping during open trapping seasons without a valid trapping license.

(b) The trapping licenses issued by the Wildlife Resources Commission are as ~~follows:~~follows and entitle the licensee to access and use Wildlife Resource Commission Property:

- (1) Resident State Trapping License – \$30.00. This license is valid only for use by an individual resident of the State.
- (1a) Resident Lifetime Trapping License – \$300.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the licensee.
- (2) Repealed by Session Laws 2013-283, s. 6, effective August 1, 2014.
- (3) Nonresident State Trapping License – \$125.00. This license is valid for use by an individual within the State."

SECTION 6.(g) G.S. 113-271 reads as rewritten:

"§ 113-271. Hook-and-line licenses in inland and joint fishing waters.

(a) An inland hook-and-line fishing license issued under subdivisions (2), (3), (5), (6), (6a), (6b), and (6c) of subsection (d) of this section entitles the licensee to fish with hook and line

in inland fishing ~~waters and waters,~~ joint fishing ~~waters- waters,~~ and public mountain trout waters. An inland hook-and-line fishing license issued under this section ~~does not entitle~~ entitles the licensee to ~~engage in recreational fishing in coastal fishing waters that are not joint fishing waters.~~ An inland hook-and-line fishing license issued under subdivision (1), (3), (6a), (6b), (6c), or (9) of subsection (d) of this section entitles the licensee to fish with hook and line in public mountain trout waters. access and use Wildlife Resources Commission Property, but does not entitle the licensee to engage in fishing in coastal fishing waters.

- (b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 684, s. 4.
- (c) Repealed by Session Laws 1979, c. 830, s. 1.
- (d) The hook-and-line fishing licenses issued by the Wildlife Resources Commission are as follows:

- (1) ~~Resident Annual Comprehensive Inland Fishing License – \$25.00. This license shall be issued only to an individual resident of the State.~~
- (2) Resident State Inland Fishing License – ~~\$20.00.~~ \$25.00. This license shall be issued only to an individual resident of the State.
- (3) Lifetime Resident Comprehensive Inland Fishing License – \$250.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the licensee.
- (4) Repealed by Session Laws 2013-283, s. 7, effective August 1, 2014.
- (5) Nonresident State Inland Fishing License – ~~\$36.00.~~ \$45.00. This license shall be issued to an individual nonresident of the State.
- (6) Short-Term Inland Fishing Licenses. Short-term inland fishing licenses are valid only for the date or consecutive dates indicated on the licenses. Short-term inland fishing licenses issued by the Wildlife Resources Commission are:
 - a. Resident 10-day Inland Fishing License – ~~\$7.00.~~ \$9.00. This license shall be issued only to a resident of the State.
 - b. Nonresident 10-day Inland Fishing License – ~~\$18.00.~~ \$23.00. This license shall be issued only to a nonresident of the State.
 - c. Repealed by Session Laws 2005-455, s. 1.8, effective January 1, 2007.
- (6a) Age 70 Resident Lifetime Inland Fishing License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
- (6b) Resident Disabled Veteran Lifetime Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime of the licensee ~~so long as the licensee remains fifty percent (50%) or more disabled.~~ licensee.
- (6c) Resident Totally Disabled Lifetime Inland Fishing License – \$10.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime of the licensee.
- ...
- (10) Mountain Heritage Trout Waters Three-Day Fishing License – \$8.00. This license shall be issued to an individual resident or nonresident of the State and shall entitle the holder to fish in waters designated by the Wildlife Resources Commission as mountain heritage trout waters for the three consecutive days indicated on the license. An individual who holds a mountain heritage trout

waters three-day fishing license does not need to hold any other hook-and-line fishing license issued pursuant to this subsection in order to fish in mountain heritage trout waters."

SECTION 6.(h) G.S. 113-272 is repealed.

SECTION 6.(i) G.S. 113-272.3 reads as rewritten:

"§ 113-272.3. Special provisions respecting fishing licenses; grabbling; taking bait fish; use of landing nets; lifetime licenses issued from Wildlife Resources Commission headquarters; personalized lifetime sportsman combination licenses.

...
(c) **(Effective until July 1, 2019)** Lifetime licenses are issued from the Wildlife Resources Commission ~~headquarters.~~ headquarters to facilitate compliance with 50 C.F.R. § 80.31. Each application for an ~~any~~ Infant Lifetime Sportsman or Sportsman, Youth Lifetime Sportsman Sportsman, or Age 70 Resident Lifetime License must be accompanied by a ~~certified~~ copy of the birth certificate, adoption order containing the date of birth, or other proof of age satisfactory to the Commission, of the individual to be named as the licensee.

...
(e) Mountain Heritage Trout Waters Program. – The Wildlife Resources Commission shall establish and implement a Mountain Heritage Trout Waters Program to promote trout fishing as a heritage tourism activity. The Commission shall develop criteria for participation in the Program by cities and prepare a management plan for mountain heritage trout waters. A city that meets the criteria for participation in the Program shall be designated by the Commission as a Mountain Heritage Trout City."

SECTION 6.(j) G.S. 113-272.4 reads as rewritten:

"§ 113-272.4. Collection licenses.

(a) In the interest of the orderly and efficient conservation of wildlife resources, the Wildlife Resources Commission may provide for the licensing of ~~qualified~~ individuals to take any of the wildlife resources of the State under a collection license that may serve in lieu of any other license required in this Article. This license authorizes incidental transportation and possession of the wildlife resources necessary to implement the authorized purposes of the taking, but the Wildlife Resources Commission in its discretion may additionally impose permit requirements under subsection (d) below and G.S. 113-274.

(b) The Wildlife Resources Commission may delegate to the Executive Director the authority to impose time limits during which the license is valid and restrictions as to what may be taken and method of taking and possession, in the interests of conservation objectives. ~~The Executive Director through his responsible agents must determine whether a particular license applicant meets the standards and qualifications for licensees set by the Wildlife Resources Commission.~~ Methods of taking under a collection license need not be restricted to those applicable to ordinary hunting, trapping, or fishing, but the licensee ~~must~~ shall observe the restrictions as to taking, transportation, and possession imposed by the Executive Director upon the granting of the license.

(c) When a more limited duration period is not set by the Executive ~~Director in implementing the rules of the Wildlife Resources Commission,~~ Director, collection licenses are valid from January 1 through December 31 in any year. This license is issued upon payment of ~~five dollars (\$5.00), but the Wildlife Resources Commission may provide for issuance without charge to licensees who represent educational or scientific institutions or some governmental agency.~~ ten dollars (\$10.00). The Wildlife Resources Commission may adopt rules to utilize replacement costs of wildlife resources to offset the impact of collection or possession activities.

(d) As necessary, the Executive Director may administratively impose on licensees under this section restrictions upon individuals taking, transporting, or possessing under the license which will permit ready identification and control of those involved in the interest of efficient administration of laws pertaining to wildlife resources. Restrictions may include requirements as

to record keeping, tagging, marking packages, cages, or containers and exhibition of additional limited-purpose and limited-time permits that may be issued without charge to cover particular activities and other actions that may be administratively required in the reasonable implementation of the objectives of this Subchapter.

(e) If the Executive Director deems it administratively appropriate and convenient to do so, in the interests of simplifying the administration of licensing requirements, ~~he the Executive Director~~ may grant particular licensees under this section the privilege of utilizing assistants in taking, transporting, or possessing wildlife resources who themselves are not licensed. Any assistants so taking, transporting, or possessing wildlife resources must shall have readily available for inspection a written authorization from the licensee to engage in the activity in question. The written authorization must shall contain information administratively required by the Executive Director, and a copy of the authorization must be placed in the mail addressed to the Executive Director or his designated agent submitted to the Wildlife Resources Commission before any assistant acts under the authorization. In his discretion the The Executive Director may refuse to issue, refuse to renew, or revoke the privilege conferred in this subsection. If this is done, each individual engaged in taking, transporting, or possessing wildlife resources under this section must shall meet all applicable licensing and permit requirements."

SECTION 6.(k) G.S. 113-272.5 reads as rewritten:

"§ 113-272.5. Captivity license.

(a) ~~In the interests of humane treatment of wild animals and wild birds that are lawfully taken, crippled, tame, or unfit for immediate release into their natural habitat, the The Wildlife Resources Commission may license qualified individuals to hold at a specified location location wild animals and wild birds that are lawfully taken, crippled, tame, or unfit for immediate release into their natural habitat, or one or more of any particular species of wild animal or wild bird alive in captivity for scientific, educational, exhibition, or other purposes. Before issuing this license, the Executive Director must satisfy himself determine that issuance of the license is appropriate under the objectives of this Subchapter, and that the wild animal or wild bird was not acquired unlawfully or merely as a pet. Upon refusing to issue the captivity license, the Executive Director may either take possession of the wild animal or wild bird for appropriate disposition or issue a captivity permit under G.S. 113-274(c)(1b) for a limited period until the holder makes proper disposition of the wild animal or wild bird.~~

(b) Unless a shorter time is set for a license upon its issuance under the provisions of subsection (c), captivity licenses are annual licenses issued beginning January 1 each year and running until the following December 31. ~~This license is issued upon payment of five dollars (\$5.00) The captivity license for holding shall be issued upon payment of fifty dollars (\$50.00) and the captivity license for rehabilitation shall be issued upon payment of ten dollars (\$10.00) to the Wildlife Resources Commission.~~

(c) The Wildlife Resources Commission may require standards of caging and care and reports to and supervision by employees of the Wildlife Resources Commission ~~as necessary to insure humane treatment and in~~ furtherance of the objectives of this Subchapter. The Executive Director in implementing the provisions of this section may administratively impose ~~through responsible agents and employees restrictions upon the mode of captivity that he deems deemed necessary, including prescribing methods of treatment and handling designed, if possible, to enable the wild animal or wild bird to become self-sufficient and requiring that the wild animal or wild bird be set free when self-sufficiency is attained. handling.~~ To this end, the Executive Director may issue the captivity license with an expiration date earlier than December 31 and may also act to terminate any captivity license earlier than the expiration date for good cause.

...."

SECTION 6.(l) G.S. 113-273 reads as rewritten:

"§ 113-273. ~~Dealer licenses.~~Other licenses.

(a) ~~"Dealer" Defined; All Licenses Annual.~~ — As used in this section, the word "dealer" includes all persons or individuals required to be licensed under the terms of this section. Except when indicated otherwise, ~~dealer otherwise indicated,~~ licenses in this section are annual licenses issued beginning January 1 each year running until the following December 31.

(b) ~~License Required; Rules Governing Licensee.~~ — Except as otherwise provided, no person may engage in any activity for which a ~~dealer~~ license is provided under this section without first having procured a current and valid ~~dealer~~ license for that activity. In implementing the provisions of this section, the Wildlife Resources Commission may by rule govern every aspect of the licensee's dealings in wildlife resources. Specifically, these rules may require ~~dealers~~ licensees to:

- (1) Implement a system of tagging or otherwise identifying and controlling species regulated under the license and pay a reasonable fee, ~~not to exceed two dollars and twenty-five cents (\$2.25),~~ for each tag furnished by the Wildlife Resources ~~Commission;~~ Commission to defray costs;
- (2) Keep records and statistics in record books furnished by the Wildlife Resources Commission, and pay a reasonable charge to defray the cost of furnishing the books;
- (3) Be subject to inspection at reasonable hours and audit of wildlife resources and pertinent records and equipment;
- (4) Make periodic reports;
- (5) Post performance bonds payable to the Wildlife Resources Commission conditioned upon faithful compliance with provisions of law; and
- (6) Otherwise comply with reasonable rules and administrative requirements that may be imposed under the authority of this section.

...
(f) ~~Fur-Dealer License.~~ — Except as otherwise provided in this subsection, any individual in this State who deals in furs must obtain an appropriate fur-dealer license. For the purposes of this subsection, "dealing in furs" is engaging in the business of buying or selling fur-bearing animals or other wild animals that may lawfully be sold, the raw furs, pelts, or skins of those animals, or the furs, pelts, or skins of wild animals which may not themselves be sold but whose fur, pelt, or skin may lawfully be sold. A hunter or trapper who has lawfully taken wild animals whose fur, pelt, or skin is permitted to be sold under this subsection is not considered a fur dealer if he exclusively sells the animals or the furs, pelts, and skins, as appropriate, to licensed fur dealers. All fur-dealer licenses are annual licenses issued beginning July 1 each year running until the following June 30. Fur-dealer licenses issued by the Wildlife Resources Commission are as follows:

- ...
- (3) Fur-dealer station license, one hundred twenty dollars (\$120.00). Authorizes a person or individual to deal in furs at an established location where fur dealings occur under the supervision of a responsible individual manager named in the license. Individual employees of the business dealing in furs solely at the established location under the supervision of the manager need not acquire an individual license. Any employee who also deals in furs outside the established location ~~must~~ shall obtain the appropriate individual license. Individuals dealing in furs at an established location may elect to do so under their individual licenses.

The Executive Director may administratively provide for reissuance of a station license without charge for the remainder of the year when either a business continues at an established location under a new supervising manager or the business changes to a new location. Before reissuing the license, however, the Executive Director ~~must satisfy himself~~ shall determine that

there is a continuation of essentially the same business previously licensed and that any new supervising manager meets the qualifications imposed by rules of the Wildlife Resources Commission. The supervising manager ~~must~~ shall file the names of all employees of the business covered by a fur-dealer station license, whether temporary or permanent, including employees who process or skin the animals.

The Executive Director ~~must~~ shall furnish supervising managers and individual licensees with forms or record books for recording required information as to purchase, sale, importation, exportation, and other dealings, and make a reasonable charge to cover the costs of any record books furnished. It is unlawful for anyone dealing in furs to fail to submit reports required by rules or reasonable administrative directives.

(g) Controlled Hunting Preserve Operator License. – The Wildlife Resources Commission is authorized by rule to set standards for and to license the operation of controlled hunting preserves operated by private persons. Controlled hunting preserves are of ~~two~~ three types: one is an area marked with appropriate signs along the outside boundaries on which only domestically raised chukars, Hungarian partridges, and game birds other than wild turkeys are taken; ~~the other one is an area enclosed with a dog-proof fence on which rabbits may be hunted with dogs only; and one is an area enclosed with a dog-proof fence on which foxes and coyotes may be hunted with dogs only.~~ A controlled fox and coyote hunting preserve operated for private use may be of any size; a controlled hunting preserve operated for commercial purposes shall be an area of not less than 500 acres or of such size as set by regulation of the Wildlife Resources Commission, which shall take into account differences in terrain and topography, as well as the welfare of the wildlife.

Operators of controlled fox hunting preserves may purchase live foxes and coyotes from licensed trappers who live-trap foxes and coyotes during any open season for trapping them and may, at any time, take live foxes from their preserves for sale to other licensed operators. The controlled hunting preserve operator license may be purchased for a fee of ~~fifty dollars (\$50.00),~~ one hundred dollars (\$100.00) and is an annual license issued beginning 1 July each year running until the following 30 June.

(h) Game Bird Propagation License. – No person may propagate game birds in captivity or possess game birds for propagation without first procuring a license under this subsection. The Wildlife Resources Commission may by rule prescribe the activities to be covered by the propagation license, which species of game birds may be propagated, and the manner of keeping and raising the birds, in accordance with the overall objectives of conservation of wildlife resources. Except as limited by this subsection, propagated game birds may be raised and sold for purposes of propagation, stocking, food, or taking in connection with dog training as authorized in G.S. 113-291.1(d). Migratory game bird operations authorized under this subsection must also comply with any applicable provisions of federal law and rules. The Wildlife Resources Commission may impose requirements as to shipping, marking packages, banding, tagging, or wrapping the propagated birds and other restrictions designed to reduce the change of illicit game birds being disposed of under the cover of licensed operations. The Wildlife Resources Commission may make a reasonable charge for any bands, tags, or wrappers furnished propagators. The game bird propagation license is issued by the Wildlife Resources Commission upon payment of a fee of ~~five dollars (\$5.00),~~ ten dollars (\$10.00). It authorizes a person or individual to propagate and sell game birds designated in the license, in accordance with the rules of the Wildlife Resources Commission, except:

- (1) Wild turkey and ruffed grouse may not be sold for food.
- (2) Production and sale of pen-raised quail for food purposes is under the exclusive control of the Department of Agriculture and Consumer Services. The Wildlife Resources Commission, however, may regulate the possession, propagation, and transportation of live pen-raised quail.

...

(k) Taxidermy License. – Any individual who engages in ~~taxidermy~~taxidermy, including the tanning of hides, involving wildlife for any compensation, including reimbursement for the cost of materials, must first procure a taxidermy license. This license is an annual license issued by the Wildlife Resources Commission for ~~ten dollars (\$10.00).~~ The Wildlife Resources Commission must require a licensee to keep records concerning any wildlife taken or possessed by him; to keep records of the names and addresses of persons bringing him wildlife, the names and addresses of persons taking the wildlife if different, and other information concerning the origin of the wildlife; to inspect any applicable licenses or permits pertaining to the taking and possession of wildlife brought to him; to restrict him to taxidermy upon lawfully acquired wildlife; and to keep other pertinent records. ~~fifty dollars (\$50.00).~~ In addition to a taxidermy license, license holders engaging in taxidermy of any species of the family Cervidae must also obtain a taxidermy cervid certification issued by the Wildlife Resources Commission for five dollars (\$5.00), the proceeds of which shall be used to fund the Cervid Health Cooperator Program and for other chronic wasting disease surveillance. The Wildlife Resources Commission is authorized by rule to set standards and reporting requirements for taxidermy licenses and certifications. No taxidermist subject to license requirements may sell any game or game fish in which he deals except that a taxidermist may acquire a valid possessory lien upon game or game fish under the terms of Chapter 44A of the General Statutes and, with a trophy sale permit from the ~~Executive Director, Wildlife Resources Commission,~~ may sell the game or game fish under the procedure authorized in Chapter 44A. Wildlife acquired by a taxidermist is deemed "personal property" for the purposes of Chapter 44A.

(l) Wildlife Control Agent License. – Any individual who engages in wildlife damage control or wildlife removal activities, including bat eviction, for compensation, including reimbursement for the cost of materials, shall first procure a wildlife control agent license. This is an annual license issued by the Wildlife Resources Commission for fifty dollars (\$50.00). This license shall not be required for licensed trappers taking wild animals during the established trapping season for that species. The Wildlife Resources Commission is authorized by rule to set standards for and to license wildlife control agents.

(m) Alligator Control Agent Certification. – In addition to the wildlife control agent license, any individual who engages in alligator damage control or removal activities for compensation, including reimbursement for the cost of materials, shall first procure an alligator control agent certification. This is an annual certification issued by the Wildlife Resources Commission for twenty-five dollars (\$25.00). The Wildlife Resources Commission is authorized by rule to set standards for and to certify alligator control agents. This certification does not include privileges conveyed with an endangered species permit. The endangered species permit shall be obtained prior to conducting activities under the authorization of this certification.

SECTION 6.(m) G.S. 113-274 reads as rewritten:

"§ 113-274. Permits.

(a) As used in this Article, the word "permit" refers to a written authorization issued ~~without charge~~ by an employee or agent of the Wildlife Resources Commission to an individual ~~or a person~~ to conduct some activity over which the Wildlife Resources Commission has jurisdiction. Unless otherwise specified, permits are issued at no cost. When a more limited duration period is not set by the Executive Director, permits are valid through December 31 in any calendar year. When sale of wildlife resources is permitted, rules or the directives of the Executive Director may require the retention of invoices or copies of invoices in lieu of a permit.

(b) Except as otherwise specifically provided, no one may engage in any activity for which a permit is required without having first procured a current and valid permit.

(c) The Wildlife Resources Commission may issue the following permits:

...

- (1c) Possession ~~Permit.~~ Permit – (\$10.00). Authorizes the possession of dead wildlife or other wildlife resources lawfully acquired. The Wildlife Resources Commission may by rule implement the issuance and supervision of this permit, in accordance with governing laws and rules respecting the possession of wildlife. Any substantial deviation from reasonable requirements imposed by rule or administratively under the authority of this section renders the possession of the wildlife unlawful.
- ...
- (3) Exportation or Importation ~~Permit.~~ Permit – (\$10.00). Authorizes the exportation or importation of wildlife resources from or into the State or from county to county. The Wildlife Resources Commission may by rule implement the issuance and supervision of this permit, in accordance with governing laws and rules respecting the exportation and importation of wildlife resources. Any substantial deviation from reasonable requirements imposed by rule or administratively under the authority of this section renders the importation or exportation of the wildlife resources unlawful.
- (3a) Trophy Wildlife Sale ~~Permit.~~ Permit – (\$10.00). Authorizes the owner of lawfully taken and possessed dead wildlife specimens or their parts that are mounted, stuffed, or otherwise permanently preserved to sell identified individual specimens that may lawfully be sold under applicable laws and rules.
- ...
- (3d) Endangered Species Permit – (\$10.00). Authorizes the collection, possession, or survey of endangered species. The Wildlife Resources Commission may by rule set standards and requirements for this permit. The Wildlife Resources Commission may enact rules utilizing replacement costs of wildlife resources to offset the impact of collection, possession, or survey activities.
- (3e) Field Trial Permit – (\$10.00). Authorizes an individual to hold a Commission-sanctioned field trial for dogs in accordance with governing laws and rules adopted and implemented by the Wildlife Resources Commission.

...."

SECTION 6.(n) G.S. 113-275 reads as rewritten:

"§ 113-275. General provisions respecting licenses and permits.

(a) The Wildlife Resources Commission is authorized to make agreements with other jurisdictions as to reciprocal honoring of licenses in the best interests of the conservation of wildlife resources.

(a1) Notwithstanding the fees specified for nonresident individuals by G.S. 113-270.2, 113-270.3, 113-270.4, 113-270.5, 113-271, ~~113-272,~~ 113-272.2, ~~and 113-273,~~ 113-273, or Wildlife Resources Commission rules, if the Wildlife Resources Commission finds that a state has a nonresident license fee related to wildlife resources that exceeds the fee for a comparable nonresident license in North Carolina, the Wildlife Resources Commission may, by resolution in official session, increase the nonresident license fee applicable to citizens of that state to an amount equal to the fee a North Carolina resident is required to pay in that state.

The action of the Wildlife Resources Commission to increase a fee pursuant to this subsection is not subject to the provisions of Article 2A of Chapter 150B of the General Statutes. The action of the Wildlife Resources Commission to increase a fee pursuant to this subsection becomes effective on the date specified by the Wildlife Resources Commission.

...

(k) A person may use a bow and arrow to take nongame fish in inland and joint fishing waters subject to any applicable rule of the Wildlife Resources Commission regarding seasons,

creel limits, type of weapon or subsidiary gear, or any other restriction necessary for the conservation of wildlife under the authority of the following licenses:

- (1) All of the combination hunting and fishing licenses issued pursuant to G.S. 113-270.1C;
- (2) All of the sportsman licenses issued pursuant to G.S. 113-270.1D;
- (3) The hunting licenses issued pursuant to G.S. 113- 270.2(c)(1), (2), (3), (5), and (6);
- (4) The hook-and-line fishing licenses issued pursuant to ~~G.S. 113-271(d)(1),(2),~~ G.S. 113-271(d)(2), (3), (4), (5), (6), (8), and (9); and
- (5) All of the special device fishing licenses issued pursuant to G.S. 113-272.2."

SECTION 6.(o) G.S. 113-276 reads as rewritten:

"§ 113-276. Exemptions and exceptions to license and permit requirements.

...

(d) Except as otherwise provided in this Subchapter, individuals under 16 years of age are exempt from the hunting and trapping license requirements of G.S. 113-270.1B(a) and ~~G.S. 113-270.3(a), G.S. 113-270.3,~~ except that such individuals are not exempt from the American alligator licenses established in G.S. 113-270.3(b)(6) and G.S. 113-270.3(b)(7), elk licenses established in G.S. 113-270.3(b)(8) and G.S. 113-270.3(b)(9), and the falconry license described in G.S. 113-270.3(b)(4). Individuals under 16 may hunt under this exemption, provided that the hunter is accompanied by an adult of at least 18 years of age who is licensed to hunt in this State. For purposes of this section, "accompanied" means that the licensed adult maintains a proximity that enables the adult to monitor the activities of the hunter by remaining within sight and hearing distance at all times without use of electronic devices. Upon successfully obtaining the hunter education certificate of competency required by G.S. 113-270.1A(a), a hunter may hunt under the license exemption until age 16 without adult accompaniment. Individuals under 16 years of age are exempt from the fishing license requirements of G.S. 113-270.1B(a), 113-272, and 113-271.

...

(l2) A resident of this State who is a member of the Armed Forces of the United States serving outside the State, or who is serving on full-time active military duty outside the State in a reserve component of the Armed Forces of the United States as defined in 10 U.S.C. 10101, is exempt from the hunting and fishing license requirements of G.S. 113-270.1B, G.S. 113-270.3(b)(1), G.S. 113-270.3(b)(3), G.S. 113-270.3(b)(5), G.S. 113-271, ~~G.S. 113-272,~~ G.S. 113-272.2(c)(1), and the Coastal Recreational Fishing License requirements of G.S. 113-174.2 while that person is on leave in this State for 30 days or less. In order to qualify for the exemption provided under this subsection, the person shall have on his or her person at all times during the hunting or fishing activity the person's military identification card and a copy of the official document issued by the person's service unit confirming that the person is on authorized leave from a duty station outside this State.

A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, complying with the hunter education requirements of G.S. 113-270.1A, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to.

(m) The fourth day of July of each year is declared a free fishing day to promote the sport of fishing and no hook-and-line fishing license is required to fish in any of the public waters of the State on that day. All other laws and rules pertaining to hook-and-line fishing apply.

(n) The Wildlife Resources Commission may adopt rules to exempt individuals from the hunting and fishing license requirements of G.S. 113-270.1B, 113-270.3(b)(1), 113-270.3(b)(1a), 113-270.3(b)(1b), 113-270.3(b)(2), 113-270.3(b)(3), 113-270.3(b)(5), 113-271, ~~113-272,~~ and 113-272.2(c)(1) who participate in organized hunting and fishing events

for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission. A person exempted from licensing requirements under this subsection is responsible for complying with any reporting requirements prescribed by rule of the Wildlife Resources Commission, purchasing any federal migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any other requirements that the holder of a North Carolina license is subject to. Those exempted persons shall comply with the hunter safety requirements of G.S. 113-270.1A or shall be accompanied by a properly licensed adult who maintains a proximity to the license exempt individual which enables the adult to monitor the activities of, and communicate with, the individual at all times."

SECTION 6.(p) G.S. 113-276.1 reads as rewritten:

"§ 113-276.1. Regulatory authority of Wildlife Resources Commission as to license requirements and exemptions.

In its discretion and in accordance with the best interests of the conservation of wildlife resources, the Wildlife Resources Commission may implement the provisions of this Article with rules that:

- (1) [Reserved.]
- (2) Regulate license requirements and exemptions applying to the taking of wildlife on particular waters forming or lying across a county boundary where there may be confusion as to the location of the boundary, hardship imposed as to the location of the boundary, or difficulty of administering or enforcing the law with respect to the actual boundary location.
- (3) Require persons subject to license requirements, and persons exempt from license requirements, to carry, display, or produce identification that may be necessary to substantiate the person's entitlement to a particular license or to a particular exemption from license requirements.
- (4) Require individuals aboard vessels or carrying weapons or other gear that may be used to take wildlife resources, and in an area at a time wildlife resources may be taken, to exhibit identification that includes the individual's name and current address. More than one piece of identification, including a vehicle driver license, may be required to be exhibited, if available.
- (5) Implement a system of tagging and reporting fur-bearing animals and big game. Upon the implementation of a tagging system for any species of fur-bearing animal, the Wildlife Resources Commission may charge a reasonable fee to defray its costs, ~~not to exceed two dollars twenty-five cents (\$2.25) per tag, costs~~ for each tag furnished. The price of the big game hunting license includes the cost of big game tags."

SECTION 6.(q) G.S. 113-276.2 reads as rewritten:

"§ 113-276.2. Licensees and permittees subject to administrative control; refusal to issue or reissue, suspension, and revocation of their licenses and permits; court orders of suspension.

- (a) This section applies to the administrative control of:
 - (1) Persons, other than individual hunters and fishermen taking wildlife as sportsmen, holding permits under this Article;
 - (2) Individuals holding special device licenses under G.S. 113-272.2(c)(1), (1a), (2), and (2a);
 - (3) Individuals holding collection licenses under G.S. 113-272.4;
 - (4) Individuals holding captivity licenses under G.S. 113-272.5 and G.S. 113-272.6; and
 - (5) Persons holding ~~dealer~~ licenses under G.S. 113-273.

...."

Any person who is convicted of unlawfully taking bear with the use or aid of any type of bait as provided by this subsection or by rules adopted pursuant to this subsection is punishable as provided by G.S. 113-294(c1).

...."

FEE REDUCTION OF LIFETIME HUNTING AND FISHING LICENSES ISSUABLE TO A VOLUNTEER FIREFIGHTER WHO HAS SERVED FOR AT LEAST FIVE YEARS

SECTION 12. G.S. 113-276 is amended by adding a new subsection to read:

"(o) An eligible member of a volunteer fire department for five consecutive fiscal years, including the prior fiscal year, may be issued any adult resident lifetime license issued and administered by the Wildlife Resources Commission for fifty percent (50%) of the applicable license fee amount. For purposes of this subsection, the term "eligible member" means an individual appearing on the certified roster of eligible firefighters submitted to the North Carolina State Firefighters' Association under G.S. 58-86-25."

EFFECTIVE DATE

SECTION 13. Sections 1 through 6 of this act become effective September 1, 2019. Sections 7 and 12 of this act become effective October 1, 2019. Section 9 of this act becomes effective January 1, 2020. Section 10 of this act is effective December 1, 2019, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:19 p.m. this 27th day of August, 2019

TEMPORARY RULE

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1601

RECOMMENDED ACTION:

- X Approve, but note staff's comment
- Decline to approve, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
 - Extend the period of review

COMMENT:

Session Law 2019-204, "An Act to Make Various Changes to the Statutes Governing the Wildlife Resources Commission" became effective on August 27, 2019. This law amended multiple statutes relating to licenses and permits issued by the Wildlife Resources Commission, including changes to the amounts that could be charged for these.

Section 6.(a) of the Session Law amended G.S. 113-270.1B(e) as follows:

SECTION 6.(a) G.S. 113-270.1B reads as rewritten:

"§ 113-270.1B. License required to hunt, fish, or trap; fees set by Commission.

(e) The Wildlife Resources Commission shall adopt rules to establish fees for ~~the hunting, fishing, trapping, and activity licenses~~ all licenses, permits, stamps, and certifications issued and administered by the Wildlife Resources Commission. ~~Commission, except those specified in G.S. 113-173. No rule to increase fees above January 1, 2015, levels may increase a fee in excess of the total increase in the Consumer Price Index for All Urban Consumers~~ Commission, except those specified in G.S. 113-173. No rule to increase fees above January 1, 2015, levels may increase a fee in excess of the total increase in the Consumer Price Index for All Urban Consumers, rounded up to the next whole dollar, over the period of time since the last fee change.

Amanda J. Reeder
Commission Counsel
Issued November 7, 2019

The statutory fees for the hunting, fishing, trapping, and activity licenses issued and administered by the Wildlife Resources Commission shall expire when the rules adopted pursuant to this subsection become effective."

The effect of this Session Law is that the fees that were previously set by statute will be replaced by fees set by rule promulgated by the Wildlife Resources Commission. That Commission is allowed to set the fees at a higher amount than the fee established by statute, so long as the increase is not in excess of the Consumer Price Index for All Urban Consumers, rounded up to the nearest whole dollar.

As such, in this temporary rulemaking, the Wildlife Resources Commission is following the mandate and establishing fees in this Rule. Many of the fees contained in this Rule are higher than the fees contained in the authorizing statutes that cited within the Rule. However, that is allowed pursuant to the language in G.S. 113-270.1B(e). Therefore, staff is recommending approval of this temporary rule for inclusion in the Code.

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1601

DEADLINE FOR RECEIPT: Thursday, November 14, 2019

NOTE WELL: *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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Temporary Rulemaking Findings of Need Form:

In Box 5(a), you state that you submitted the rule to OAH on August 28; however, the OAH website states that it was August 29. Which is correct?

In Box 5(g), why are you seeking a delayed effective date of January 1, 2020?

In Box 6, please insert the effective date of the Session Law. And I take it that the agency is specifically relying upon Section 6 of Session Law 2019-204?

In the Rule, Subparagraphs (e)(9) through (12), I cannot find this language codified anywhere. I see in the Session Law, Section 6.(o) the reference to these licenses as established in G.S. 113-270.3(b)(6) through (b)(9). However, I cannot find the actual statutory language to confirm the amounts of the fees. Please provide this to me.

In the History Note, please add the proposed effective date.

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: November 7, 2019

1 15A NCAC 10A .1601 is proposed for adoption under temporary procedures as follows:

2
3 **15A NCAC 10A .1601 LICENSE FEES.**

4 (a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-270.1B(e).

5 (b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as
6 set forth in G.S. 113-270.1C:

7 (1) Resident Annual Combination Hunting and Inland Fishing License - \$35.00.

8 (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$11.00.

9 (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$11.00.

10 (c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

11 (1) Annual Sportsman License - \$53.00.

12 (2) Infant Lifetime Sportsman License - \$212.00.

13 (3) Youth Lifetime Sportsman License - \$371.00.

14 (4) Adult Resident Lifetime Sportsman License - \$530.00.

15 (5) Nonresident Lifetime Sportsman License - \$1,272.00.

16 (6) Age 70 Resident Lifetime Sportsman License - \$16.00.

17 (7) Resident Disabled Veteran Lifetime Sportsman License - \$106.00.

18 (8) Resident Totally Disabled Lifetime Sportsman License - \$106.00.

19 (d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

20 (1) Resident State Hunting License - \$25.00.

21 (2) Lifetime Resident Comprehensive Hunting License - \$265.00.

22 (3) Controlled Hunting Preserve Hunting License - \$22.00.

23 (4) Resident Annual Comprehensive Hunting License - \$39.00.

24 (5) Nonresident State Hunting Licenses:

25 (A) Season License - \$100.00.

26 (B) Ten-Day License - \$80.00.

27 (6) Falconry Hunting License - \$25.00.

28 (e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-270.3:

29 (1) Resident Big Game Hunting License - \$14.00.

30 (2) Nonresident Bear Hunting License - \$239.00.

31 (3) Bear Management Stamp - \$11.00.

32 (4) Nonresident Big Game Hunting License:

33 (A) Season License - \$100.00.

34 (B) Ten-Day License - \$80.00.

35 (5) Bonus Antlerless Deer License - \$11.00.

36 (6) Game Land License - \$16.00.

37 (7) Falconry License - \$11.00.

- (8) Migratory Waterfowl Hunting License - \$14.00.
- (9) Resident American Alligator License - \$250.00.
- (10) Nonresident American Alligator License - \$500.00.
- (11) Resident Elk License - \$500.00.
- (12) Nonresident Elk License - \$1,000.00.
- (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:
- (1) Resident Hunting and Fishing Guide License - \$16.00.
- (2) Nonresident Hunting and Fishing Guide License - \$159.00.
- (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- (1) Resident State Trapping License - \$32.00.
- (2) Resident Lifetime Trapping License - \$300.00.
- (3) Nonresident State Trapping License - \$133.00.
- (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:
- (1) Resident State Inland Fishing License - \$25.00.
- (2) Lifetime Resident Comprehensive Inland Fishing License - \$265.00.
- (3) Nonresident State Inland Fishing License - \$45.00.
- (4) Short-Term Inland Fishing License:
- (A) Resident 10-day Inland Fishing License - \$9.00.
- (B) Nonresident 10-day Inland Fishing License - \$23.00.
- (5) Age 70 Resident Lifetime Inland Fishing License - \$16.00.
- (6) Resident Disabled Veteran Lifetime Inland Fishing License - \$11.00.
- (7) Resident Totally Disabled Lifetime Inland Fishing License - \$11.00.
- (8) Special Landholder and Guest Fishing License - \$106.00.
- (9) Mountain Heritage Trout Waters 3-Day Fishing License - \$8.00.
- (i) The following fees shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- (1) Resident Special Device License - \$80.00.
- (2) Nonresident Special Device License - \$530.00.
- (j) The fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be \$10.00.
- (k) The following fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:
- (1) Captivity License for Holding - \$50.00.
- (2) Captivity License for Rehabilitation - \$10.00.
- (l) The following fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:
- (1) Resident Fur-dealer License - \$64.00.
- (2) Nonresident Fur-dealer License - \$318.00.
- (3) Fur-dealer Station License - \$128.00.

- (4) Controlled Hunting Preserve Operator License - \$100.00.
- (5) Game Bird Propagation License - \$10.00.
- (6) Furbearer Propagation License - \$27.00.
- (7) Taxidermy License - \$50.00.
- (8) Taxidermy Cervid Certification - \$5.00.
- (9) Wildlife Control Agent License - \$50.00.
- (10) Alligator Control Agent Certification - \$25.00.
- (m) The following fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:
- (1) Possession Permit - \$10.00.
- (2) Exportation or Importation Permit - \$10.00.
- (3) Trophy Wildlife Sale Permit - \$10.00.
- (4) Endangered Species Permit - \$10.00.
- (5) Field Trial Permit - \$10.00.
- (n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:
- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$69.00.
- (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$43.00.
- (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
- (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$292.00.
- (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$477.00.
- (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$716.00.
- (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$1,643.00.
- (E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$32.00.
- (F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00.
- (G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00.
- (4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00.
- (o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in G.S. 113-174.2:
- (1) Annual Resident Coastal Recreational Fishing License - \$16.00.
- (2) Annual Nonresident Coastal Recreational Fishing License - \$32.00.
- (3) Ten-Day Resident Coastal Recreational Fishing License - \$6.00.
- (4) Ten-Day Nonresident Coastal Recreational Fishing License - \$11.00.
- (5) Infant Lifetime Coastal Recreational Fishing License - \$106.00.

- (6) Youth Lifetime Coastal Recreational Fishing License - \$159.00.
- (7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00.
- (8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00.
- (9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$16.00.
- (10) Resident Disabled Veteran Coastal Recreational Fishing License - \$11.00.
- (11) Resident Totally Disabled Coastal Recreational Fishing License - \$11.00.

History Note: Authority G.S. 113-270.1B(e);



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

NC Wildlife Resources Commission

2. Rule citation & name:

15A NCAC 10L .0101 Wildlife Reserve

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 28, 2019

b. Proposed Temporary Rule published on the OAH website: September 3, 2019

c. Public Hearing date: September 18, 2019

d. Comment Period: September 9, 2019 - October 1, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): September 9, 2019

f. Adoption by agency on: October 24, 2019

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)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: SL 2018-95
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

The Commission is required to adopt rules needed to administer the activities mandated for creating and maintaining land as a wildlife reserve for hunting, fishing, shooting, wildlife observation or wildlife activities. This rule lists qualifying habitat types and defines qualifying activities for land created and maintained to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine or recreation.

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

SL 2018-95 extended the present-use value classification and treatment to land that is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities. This change is effective for taxes imposed for taxable years beginning on or after July 1, 2019. A temporary rule is necessary to provide guidance to landowners seeking to classify land under the new qualifying land uses.

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:

919-707-0011

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:

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AN ACT TO EXPAND THE TYPES OF LAND THAT CAN QUALIFY FOR PRESENT-USE
VALUE TAXATION AS WILDLIFE CONSERVATION LAND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.15 reads as rewritten:

"§ 105-277.15. Taxation of wildlife conservation land.

- (a) Definitions. – The following definitions apply in this section:
 - (1) Business entity. – Defined in G.S. 105-277.2.
 - (2) Family business entity. – A business entity whose members are, directly or indirectly, individuals and are relatives. An individual is indirectly a member of a business entity if the individual is a member of a business entity or a beneficiary of a trust that is part of the ownership structure of the business entity.
 - (3) Family trust. – A trust that was created by an individual and whose beneficiaries are, directly or indirectly, individuals who are the creator of the trust or a relative of the creator. An individual is indirectly a beneficiary of a trust if the individual is a beneficiary of another trust or a member of a business entity that has a beneficial interest in the trust.
 - (4) Member. – Defined in G.S. 105-277.2.
 - (5) Relative. – Defined in G.S. 105-277.2.
- (b) Classification. – Wildlife conservation land is designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and must be appraised, assessed, and taxed in accordance with this section. Wildlife conservation land classified under this section must be appraised and assessed as if it were classified under G.S. 105-277.3 as agricultural land.
- (c) Requirements. – Land qualifies as wildlife conservation land if it meets the following size, ownership, and use requirements:
 - (1) Size. – The land must consist of at least 20 contiguous acres.
 - (2) Ownership. – The land must be owned by an individual, a family business entity, or a family trust and must have been owned by the same owner for the previous five years, except as follows:
 - a. If the land is owned by a family business entity, the land meets the ownership requirement if the land was owned by one or more members of the family business entity for the required time.
 - b. If the land is owned by a family trust, the land meets the ownership requirement if the land was owned by one or more beneficiaries of the family trust for the required time.
 - c. If an owner acquires land that was classified as wildlife conservation land under this section when it was acquired and the owner continues to use the land as wildlife conservation land, then the land meets the ownership requirement if the new owner files an application and signs

the wildlife habitat conservation agreement in effect for the property within 60 days after acquiring the property.

(3) Use. – The land must meet all of the following requirements:

a. The land must be managed under a written wildlife habitat conservation agreement with the North Carolina Wildlife Resources Commission that is in effect as of January 1 of the year for which the benefit of this section is claimed and that requires the owner to do one or more of the following:

1. Protect an animal species that lives on the land and, as of January 1 of the year for which the benefit of this section is claimed, is on a North Carolina protected animal list published by the Commission under G.S. 113-333.

2. Conserve any of the following priority animal wildlife habitats: longleaf pine forest, early successional habitat, small wetland community, stream and riparian zone, rock outcrop, or bat cave.

3. Create and actively and regularly use as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities, provided that the land is inspected by a certified wildlife biologist at least quintennially to ensure that at least three of the seven activities listed in this sub-sub-subdivision are maintained to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation. The Commission shall adopt rules needed to administer the inspection requirements of and activities mandated by this sub-sub-subdivision.

I. Supplemental food.

II. Supplemental water.

III. Supplemental shelter.

IV. Habitat control.

V. Erosion control.

VI. Predator control.

VII. Census of animal population on the land.

b. ~~It~~ For land used pursuant to sub-sub-subdivisions 1. or 2. of sub-subdivision a. of this subdivision, it must have been classified under G.S. 105-277.3 when the wildlife habitat conservation agreement was signed or the owner must demonstrate to both the Wildlife Resources Commission and the assessor that the owner used the land for a purpose specified in the signed wildlife habitat conservation agreement for three years preceding the January 1 of the year for which the benefit of this section is claimed.

(d) Restrictions. – The following restrictions apply to the classification allowed under this section:

(1) ~~No~~ For land used pursuant to sub-sub-subdivision 3. of sub-subdivision a. of subdivision (3) of subsection (c) of this section, no more than 800 acres of an owner's land in a county may be classified under this section. For all other land classified under this section, no more than 100 acres of an owner's land in a county may be classified under this section.

- (2) Land owned by a business entity is not eligible for classification under this section if the business entity is a corporation whose shares are publicly traded or one of its members is a corporation whose shares are publicly traded.

(e) **Deferred Taxes.** – The difference between the taxes that are due on wildlife conservation land classified under this section and that would be due if the land were taxed on the basis of its true value is a lien on the property. The difference in taxes must be carried forward in the records of each taxing unit as deferred taxes. The deferred taxes for the preceding three fiscal years are due and payable in accordance with G.S. 105-277.1F when the land loses its eligibility for deferral as a result of a disqualifying event. A disqualifying event occurs when the property no longer qualifies as wildlife conservation land.

(f) **Exceptions to Payment.** – No deferred taxes are due in the following circumstances and the deferred taxes remain a lien on the land:

- (1) When the owner of wildlife conservation land that was previously classified under G.S. 105-277.3 before the wildlife habitat conservation agreement was signed does not transfer the land and the land again becomes eligible for classification under G.S. 105-277.3. In this circumstance, the deferred taxes are payable in accordance with G.S. 105-277.3.
- (2) When land that is classified under this section is transferred to an owner who signed the wildlife habitat conservation agreement in effect for the land at the time of the transfer and the land remains classified under this section. In this circumstance, the deferred taxes are payable in accordance with this section.

(g) **Exceptions to Payment and Lien.** – Notwithstanding subsection (e) of this section, if land loses its eligibility for deferral solely due to one of the following reasons, no deferred taxes are due and the lien for the deferred taxes is extinguished:

- (1) The property is conveyed by gift to a nonprofit organization and qualifies for exclusion from the tax base under G.S. 105-275(12) or G.S. 105-275(29).
- (2) The property is conveyed by gift to the State, a political subdivision of the State, or the United States.

(h) **Administration.** – An owner who applies for the classification allowed under this section must attach a copy of the owner's written wildlife habitat agreement required under subsection (c) of this section. An owner who fails to notify the county assessor when land classified under this section loses its eligibility for classification is subject to a penalty in the amount set in G.S. 105-277.5."

SECTION 2. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:54 a.m. this 25th day of June, 2018

TEMPORARY RULE

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0101

RECOMMENDED ACTION:

- X Approve, but note staff's comment
- Decline to approve, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
 - Extend the period of review

COMMENT:

Session Law 2018-95, "An Act to Expand the Types of Land That Can Qualify for Present-Use Value Taxation as Wildlife Conservation Land" created a new category of wildlife conservation land that affects the taxation of that land. The new category is for reserves for hunting, fishing, shooting, wildlife observation, or wildlife activities. The Session Law mandated that the Wildlife Resources Commission engage in rulemaking to administer inspection requirements and activities for this new category.

The Session Law was ratified on June 15, 2018. It was signed into law by the Governor on June 25, 2018. G.S. 150B-21.1(a2) states that when an agency engages in temporary rulemaking due to a recent act of the General Assembly, the act must have become effective no more than 210 days prior to submission of the temporary rule to the RRC for review. The agency is beyond that deadline. However, the Session Law states that it is effective for taxes imposed for taxable years beginning on or after July 1, 2019. Staff believes that this means the effective date of this law was delayed to July 1, 2019 and the agency has acted within the timeframe set by G.S. 150B-21.1(a2) to adopt this temporary rule. Therefore, staff is recommending approval of this temporary rule for inclusion in the Code.

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0101

DEADLINE FOR RECEIPT: Thursday, November 14, 2019

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Temporary Rulemaking Findings of Need Form, Box 5(a), you state that you submitted the rule to OAH on August 28; however, the OAH website states that it was August 29. Which is correct?

Also on the Form, Box 6, please insert the effective date of the Session Law.

In the Rule, I suggest ending (b)(1), line 13, and (b)(2), line 35 with a colon.

In (b)(1)(F) and (G), will this comply with the limitation on acreage contained in G.S. 105-277.15(d)(1)?

In (c)(1), Page 2, line 18, what is "noninvasive"? Does your regulated public know?

Also on line 18, do you need to retain "direct or indirect"?

In (c)(3), lines 22 -23, consider reordering this a bit and stating "... to provide nesting sites, shelter from the weather, or escape from..." I keep reading this sentence as mandating providing shelter from nesting sites, and I know that's not what you mean.

In (c)(5), line 30, who will know if these harms wildlife?

And on line 30, and in (c)(6), line 33, what is "invasive" here? Does your regulated public know?

In (c)(6), what is a "suite of species"?

In (c)(7), line 34, who determines the frequency of these "periodic surveys"? Is it the individual with the land?

In the History Note, please add the proposed effective date.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 2760

Amanda J. Reeder
Commission Counsel
Date submitted to agency: November 7, 2019

Note: The Wildlife Resources Commission requests adding a new Subchapter to Chapter 10 of Title 15A of the Administrative Code and that it be titled as follows: Subchapter 10L Wildlife Conservation Land Program.

15A NCAC 10L .0101 is proposed for adoption under temporary procedures as follows:

15A NCAC 10L .0101 WILDLIFE RESERVE

(a) A wildlife reserve is a type of wildlife conservation land that meets the size and ownership requirements in G.S. 105-277.15 and where the conditions in Paragraphs (b) and (c) of this Rule are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife Resources Commission that is submitted by the landowner to the county where an application for reduced property tax assessment is requested.

(b) Qualifying habitat shall be planned for or exist as, and be maintained as one or more of the following natural community types:

(1) aquatic and wetland communities

(A) coldwater systems less than 20°C;

(B) coolwater systems greater than 20°C, less than 25°C;

(C) warmwater systems greater than 25°C;

(D) headwaters and small creek communities less than 40 square mile drainage area;

(E) large creeks and small river communities 40 to 200 square mile drainage area;

(F) medium river communities 200 to 3,800 square mile drainage area;

(G) large river communities greater than 3,800 square mile drainage area;

(H) stream swamp systems;

(I) natural lakes;

(J) reservoirs and impoundments;

(K) groundwater, springs, and subterranean water;

(L) estuarine aquatic communities;

(M) bogs and fens;

(N) estuarine wetland communities;

(O) floodplains - blackwater, brownwater, or inland systems;

(P) freshwater tidal wetlands;

(Q) nonalluvial mineral wetlands;

(R) pocosins;

(S) upland pools and depressions;

(T) upland seepages and spray cliffs; or

(U) wet pine savannas.

(2) upland communities

(A) caves and mines;

(B) cove forests;

- (C) dry coniferous woodlands including loblolly and slash pine timberlands;
- (D) dry longleaf pine communities;
- (E) grass and heath balds;
- (F) high-elevation cliffs and rock outcrops;
- (G) low elevation flatrocks, cliffs, and rock outcrops;
- (H) mafic glades and barrens;
- (I) maritime forests;
- (J) maritime grasslands;
- (K) mesic forests;
- (L) oak and mixed hardwood and pine forests;
- (M) montane oak forests;
- (N) northern hardwood forests;
- (O) sand, shell, and wrack shorelines;
- (P) spruce - fir forests; or
- (Q) herbaceous, shrub, and woody successional communities.

(c) At least three of the following activities shall be maintained on the land as agreed upon in the written Wildlife Habitat Conservation Agreement:

- (1) "supplemental food" is annual or perennial noninvasive plantings that provide a direct or indirect source of food or nutrition for wildlife resources.
- (2) "supplemental water" includes natural and artificial water features or sources that are created or installed for the benefit of wildlife resources.
- (3) "supplemental shelter" is natural or artificial structures that are created or installed to provide shelter from the weather, nesting sites, or escape cover from predators. Supplemental shelter may include the addition of natural or artificial structures into aquatic habitats.
- (4) "habitat control" is managing upland, wetland, riparian, or aquatic vegetation or physical aquatic habitat using practices to establish, restore, enhance, or maintain the natural community type(s) listed in Paragraph (b) of this Rule.
- (5) "erosion control" is the implementation of practices to prevent, reduce, or minimize soil erosion. Practices may include streambank and in-stream channel stabilization. Practices established for erosion control shall not be known to harm wildlife or include invasive plant species.
- (6) "predator control" is a practice implemented to reduce the abundance of a species or suite of species that preys on any life stage of wildlife species for which the land is managed. Predator control includes removal of invasive animal species to manage or protect wildlife or wildlife habitats.
- (7) "census of animal population on the land" is conducting or participating in periodic surveys and inventories to determine the presence, number, composition, biological condition, or human use of wildlife.

History Note: Authority G.S. 105-277.15;