

Information and Instructions for Making Technical Changes

This document is requesting technical changes from your agency for the rules pending Commission review.

If the technical corrections require you to rewrite and resubmit the rule, the rewritten rule is due on the date specified in this document.

In order to properly submit rewritten rules, please refer to the following rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit three hard copies of the rewritten rule and one copy via email. The electronic copy must be saved as the official rule name (XX NCAC XXXX) and sent to oah.rules@oah.nc.gov.
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “aAssociation”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of technical changes after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: ALL RULES filed March 20, 2014

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

All forms should be reviewed for the following:

Box 2, verify that the rule citation includes the # NCAC # format. It appears as though each form is missing the "NCAC" portion of the citation.

Box 2, verify that the rule name is the actual name set forth in the Administrative Code. Several forms contain an incorrect rule name.

- 15A NCAC 10B .0120
- 15A NCAC 10B .0203
- 15A NCAC 10C .0203
- 15A NCAC 10F .0326
- 15A NCAC 10F .0354

Box 6, the "Link to Agency notice" contains a date. This should be a website address belonging to the Wildlife Resource Commission containing the notice of the rulemaking efforts. Please correct.

Box 8, correctly reflect whether a fiscal note was actually "Approved by OSBM"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1301

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

This rule is a newly adopted rule and should be underlined if there have been no subsequent changes since publication. Please review 26 NCAC 02C .0108(6) and .0405(b).

Line 8, add 15A-1343 to the statutory authority, in numerical order. See 26 NCAC 02C .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 Note: the Wildlife Resources Commission requests adding a new section to subchapter A of chapter 10 of title 15A
2 of the administrative code and it be titled as follows: Section .1300 Wildlife Poacher Reward Fund

3

4 15A NCAC 10A .1301 is adopted as published in 28:12 NCR 1329 as follows:

5

6 **15A NCAC 10A .1301 FUNDING SOURCES**

7 The Wildlife Resources Commission shall direct at least 10 percent of compensatory restitution associated with
8 replacement costs and investigative costs as defined in G.S. 15A-1343(b1)(5) and specified in Rules 15A NCAC
9 10B .0117 and 15A NCAC 10C .0215 to the Wildlife Poacher Reward Fund.

10

11 *History Note: Authority G.S. 113-134;113-294.1*

12 *Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1302

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

This rule is a newly adopted rule and changes should be tracked, pursuant to this request for technical change, in accordance with 26 NCAC 02C .0405(b).

Line 4 uses the phrase "leading to the arrest and conviction..." The next rule uses the language "that results in the arrest and conviction..." and "leading to the arrest ..." This language is inconsistent. Please consider using one consistent phrase, such as "resulting in the arrest and conviction."

Line 8, add a comma after "cost"

Line 12, add 113-264, 113-337, and 113-294 to the statutory authority, in numerical order. See 26 NCAC 02C .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10A .1302 is adopted as published in 28:12 NCR 1329 as follows:

2

3 **15A NCAC 10A .1302 OFFENSES AND REWARD AMOUNTS**

4 (a) Rewards shall be paid only for information leading to the arrest and conviction of persons who have committed
5 Class 1 or Class 2 misdemeanors specified in G.S. 113-294 and G.S. 113-337, and Class 1 misdemeanors involving
6 wildlife resources specified in G.S. 113-264(b).

7 (b) The reward amount shall be equivalent to the amount of the fine, replacement costs, or restitution assessed by
8 the court, whichever is greatest, not to exceed one thousand dollars (\$1,000). If no fine, replacement cost or
9 restitution is assessed, including in cases that result in a prayer for judgment, the reward shall be one hundred dollars
10 (\$100.00).

11

12 *History Note: Authority G.S. 113-134;113-294.1*

13 *Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1303

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

This rule is a newly adopted rule and changes should be tracked, pursuant to this request for technical change, in accordance with 26 NCAC 02C .0405(b).

Line 4 uses the phrase "that results in the arrest and conviction..." and line 6 uses the phrase "leading to the arrest ..." The prior rule uses the phrase "leading to the arrest and conviction..." This language is inconsistent. Please consider using one consistent phrase, such as "resulting in the arrest and conviction."

Line 8, delete "has resulted" and replace with "resulting"

Line 12, add 113-171 to the statutory authority, in numerical order. See 26 NCAC 02C .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10A .1303 is adopted as published in 28:12 NCR 1329 as follows:

2

3 **15A NCAC 10A .1303 ELIGIBILITY**

4 (a) Rewards shall be paid only to individuals who provide information that results in the arrest and conviction of
5 persons who have committed the offenses specified in Rule .1302(a) of this Section. If more than one individual
6 provides information leading to the arrest of a person for the same offense, the Commission shall pay reward money
7 in equal amounts to each individual not to exceed the amount specified in Rule .1302(b) of this Section.

8 (b) Rewards shall be paid after the final disposition of a case has resulted in a conviction or a prayer for judgment.
9 For purposes of this Rule, a conviction shall be as defined in G.S. 113-171(a).

10 (c) The following individuals are not eligible to receive reward money:

11 (1) any current Wildlife Resources Commission employee or members of his or her immediate
12 family;

13 (2) any current Wildlife Resources Commissioner;

14 (3) any sworn law enforcement officer;

15 (4) the perpetrator of the crime for which the information has been given and any accomplice or
16 accessory to that crime; and

17 (5) any individual who refuses to provide the Commission with his or her name and contact
18 information.

19

20 *History Note: Authority G.S. 113-134;113-294.1*

21 *Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0116

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, add a comma after "pounds"

Line 9, add a comma after "grouse"

Line 18, move the "August 1, 2014" date up to line 16. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10B .0116 is amended as published in 28:12 NCR 1330 as follows:

2

3 **15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT**

4 (a) Only longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum
5 pull of 35 pounds and crossbows shall be used for taking game.

6 (b) Only arrows with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening
7 broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, deer or
8 wild turkey. Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels,
9 quail, grouse and pheasants. Poisonous, drugged, barbed, or explosive arrowheads shall not be used for taking any
10 game.

11 (c) Crossbows shall have a minimum pull rated at least 100~~150~~ pounds. Heads on bolts used with crossbows shall
12 conform to those described for arrows in Paragraph (b) of this Rule.

13

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

15 *Eff. September 1, 1980;*

16 *Amended Eff. August 1, 2012; July 10, 2010; May 1, 2007; August 1, 2002; July 1, 2000; July 1,*
17 *1998; July 1, 1996; August 1, 1990.*

18 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0118

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 6, add a comma after "opossums"

Line 4, delete "which" and replace with "that"

Line 16, delete the comma after "pelt"

Line 16, add a comma after "rabbit"

Line 17, add "that" between "provided the"

Line 19, the citation to the C.F.R. is to a separate authority and citation should be in accordance with 26 NCAC 02C .0109(a), including incorporation language.

Line 22 references "under applicable statutes." Is there a specific statute that should be referenced? Otherwise, delete.

Lines 23 thru 24, this sentence merely restates the statute. It should be deleted.

Line 26, add the C.F.R. reference to the authority and all of the statutory authority should be in numerical order. See 26 NCAC 02C .0108(8).

Line 29, move the "May 1, 2014" date up to line 28. See 26 NCAC 02 .0108(8). Is this adoption date intentionally different from the other rules?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10B .0118 is amended as published in 28:12 NCR 1330 as follows:

2

3 **15A NCAC 10B .0118 SALE OF WILDLIFE**

4 (a) The carcasses or pelts of bobcats, opossums and raccoon which have been lawfully taken by any hunting
5 method, upon compliance with applicable fur tagging requirements set forth in 15A NCAC 10B .0400, may be sold
6 to licensed fur dealers. The sale of carcasses or pelts of bobcats, opossum and raccoon killed accidentally or taken
7 by hunting for control of depredations is permitted under the conditions set forth in 15A NCAC
8 10B ~~.0106~~.0106(e)(4) and 15A NCAC 10B .0127.

9 (b) Except as otherwise provided in Paragraphs ~~(a)~~ and ~~(a)~~, (d) and (e) of this Rule, the sale of game birds and
10 game animals or parts thereof is prohibited, except that processed products other than those made from edible
11 portions may be sold provided that no label or advertisement identifies the product as a game bird, game animal, or
12 part thereof and provided further that the game bird or game animal was lawfully acquired. and the product is not
13 readily identifiable as a game bird or game animal, or part thereof.

14 (c) The sale of edible portions or products of game birds and game animals is prohibited, except as may be
15 otherwise provided by statute.

16 (d) The pelt, or feathers of deer, elk, fox, pheasant, quail, rabbit or squirrel (fox and gray), may be bought or sold
17 for the purpose of making fishing ~~flies~~ ~~fly~~s provided the source of these animals can be documented as being legally
18 obtained from out of state sources or from lawfully operated commercial breeding facilities. The buying and selling
19 of migratory game birds shall be in accordance with C.F.R. 50, part ~~20.91(j)~~; 20.91.

20 (e) The Executive Director or his designee may issue Trophy Wildlife Sale permits as authorized in G.S. 113-274
21 for the sale of lawfully taken and possessed individual dead wildlife specimens or their parts that are mounted,
22 stuffed, or otherwise permanently preserved that may be sold under applicable statutes. A copy of the permit must
23 be retained with the specimen. If the Executive Director believes that issuing the permit would be contrary to the
24 best interests of the conservation of wildlife resources, he must not issue the permit pursuant to 113-276.2.

25

26 *History Note: Authority G.S. 113-134; 113-273; 113-291.3; 113-337; 113-274; 113-276.2*

27 *Eff. November 9, 1980;*

28 *Amended Eff. August 1, 2002; April 1, 1991; February 1, 1990.*

29 *Amended Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0120

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, this text does not correctly reflect the text as published in 28:12 NCR 1330. Please correct.

Line 15, move the "August 1, 2014" date up to line 14. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10B .0120 is amended with changes as published in 28:12 NCR 1330 as follows:

2

3 **15A NCAC 10B .0120 TAKING DEER AND BEAR ~~BIG GAME~~ WITH HANDGUNS**

4 Handguns of any type may be used to take deer and bear. Ammunition of any type may be used to take deer and
5 bear, unless otherwise prohibited by state or federal law.

6 ~~(a) Handguns used to take big game animals shall be capable of receiving and firing a type of ammunition approved~~
7 ~~for such use by this rule.~~

8 ~~(b) Type of Ammunition. Only metallic center fire cartridges firing single projectiles shall be used to take big game~~
9 ~~with handguns. Armor piercing projectiles shall not be used.~~

10 ~~(c) Power and Caliber. Handgun ammunition used to take big game shall be no less than .24 caliber.~~

11

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

13 *Eff. October 1, 1983;*

14 *Amended Eff. June 1, 2005.*

15 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0202

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, add a comma after "Burke"

Line 9, add a comma after "Pender"

Line 16, delete the "and" after "Wilson" and add an "and" before "Wilson"

Line 19, add a comma after "Hertford"

Line 20, delete the extra space between "all lawful"

Line 23, delete the extra space between "Lincoln, Mecklenburg"

Line 25, add a comma after "Wake"

Line 27, capitalize "paragraph"

Lines 30 and 32 are both numbered "(2)". Please correct the numbering.

Page 2, line 30, add an "and" after "one;" if this is a list

Page 3, line 8, move the "August 1, 2014" date up to line 6. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10B .0202 is amended with changes as published in 28:12 NCR 1330 as follows:

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

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

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

26 (b) Restrictions

- 27 (1) For purposes of this paragraph, bait means "any natural, unprocessed food product that is not a
28 processed food product as defined in G.S. 113-294(r) and is not a bear bait attractant, including
29 scented sprays, aerosols, scent balls, and scent powders."
- 30 (2) Bears may be taken with the aid of bait from the first open Monday through the following
31 Saturday only in the counties in Subparagraphs (a)(1) through (a)(5) of this Rule.
- 32 (2) Bears shall not be taken while in the act of consuming bait.
- 33 (3) Bears may be taken with the aid of bait during the entire open season in the counties identified in
34 Subparagraph (a)(6) of this Rule.
- 35 (4) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate
36 85, [Alexander,] Anson west of N.C. Hwy 742, Cabarrus, [Catawba,] Chatham, Davie,
37 Davidson, Franklin, Forsyth, Gaston, Guilford, [Iredell,] Lee, Lincoln, Mecklenburg,

1 Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, [Stokes,]
2 Union, and Wake south of N.C. Hwy 98. [N.C. Hwy 98 and Yadkin.] In all other counties and
3 parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.

4 ~~(b)(c)~~ No Open Season. There is no open season ~~in any area not included in Paragraph (a) of this Rule or in those~~
5 parts of counties included in the following posted bear sanctuaries:

6 Avery, Burke and Caldwell counties--Daniel Boone bear sanctuary except by permit only

7 Beaufort, Bertie and Washington counties--Bachelor Bay bear sanctuary

8 Beaufort and Pamlico counties--Gum Swamp bear sanctuary

9 Bladen County--Suggs Mill Pond bear sanctuary

10 Brunswick County--Green Swamp bear sanctuary

11 Buncombe, Haywood, Henderson and Transylvania counties--Pisgah bear sanctuary

12 Carteret, Craven and Jones counties--Croatan bear sanctuary

13 Clay County--Fires Creek bear sanctuary

14 Columbus County--Columbus County bear sanctuary

15 Currituck County--North River bear sanctuary

16 Dare County--Bombing Range bear sanctuary except by permit only

17 Haywood County--Harmon Den bear sanctuary

18 Haywood County--Sherwood bear sanctuary

19 Hyde County--Gull Rock bear sanctuary

20 Hyde County--Pungo River bear sanctuary

21 Jackson County--Panthertown-Bonas Defeat bear sanctuary

22 Macon County--Standing Indian bear sanctuary

23 Macon County--Wayah bear sanctuary

24 Madison County--Rich Mountain bear sanctuary

25 McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only

26 Mitchell and Yancey counties--Flat Top bear sanctuary

27 Wilkes County--Thurmond Chatham bear sanctuary

28 ~~(c)(d)~~ Bag limits shall be:

29 (1) daily, one;

30 (2) possession, one;

31 (3) season, one.

32 ~~(d)(e)~~ Kill Reports. The carcass of each bear shall be tagged and the kill reported as provided by 15A NCAC 10B
33 .0113.

34 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.7; 113-305;*

35 *Eff. February 1, 1976;*

36 *Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;*

37 *Temporary Amendment Eff. July 1, 1999;*

1 *Amended Eff. July 1, 2000;*
2 *Temporary Amendment Eff. July 1, 2002;*
3 *Amendment Eff. August 1, 2002;*
4 *Temporary Amendment Eff. September 1, 2003;*
5 *Temporary Amendment Expired Eff. December 27, 2003;*
6 *Amended Eff. August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1,*
7 *2006; June 1, 2005.*
8 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0203

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 16, add a comma after "Rockfish Creek"

Line 30, add a comma after "Gates"

Lines 31, 33 and 34, replace the commas after "Refuge" with semicolons

Line 32, add a comma after "Tyrrell"

Page 2, line 2, add a comma after "Polk"

Page 2, lines 7 and 15, "either-sex" is hyphenated here, but not other places in the rules. Please correct for consistency. A review of the General Assembly's website seems to indicate that the term should not be hyphenated.

Page 2, line 9, add a comma after "Gates"

Page 2, lines 10, 11, and 12, replace the commas after "Refuge" with semicolons

Page 2, line 11, add a comma after "Tyrrell"

Page 2, lines 18 and 19, why is the term "known and marked" used as opposed to "known as"?

Page 2, line 23, the sentence is confusing. Should the "and" be deleted and replaced with a semicolon, creating a defined list of three dates?

Page 2, line 29, add a comma after "Madison"

Page 2, line 31, capitalize "except"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, March 28, 2014

Page 2, 33, delete “see” and replace with “Refer to” to maintain consistency with Page 1, line 16.

Page 2, line 36, add a comma after “Mitchell”

Page 3, lines 2 and 29, add a comma after “Polk”

Page 3, line 33, add a comma after “Rockfish Creek”

Page 4, lines 10 and 22, add a comma after “Rockfish Creek”

Page 4, line 15, add a space between “1to”

Page 4, line 16, add a comma after “Polk”

Page 4, line 26, add a comma after “Watauga”

Page 4, lines 26 and 27, what does this sentence mean? Is there supposed to be qualifying language about how to take the deer? The sentence seems unnecessary as written.

Page 4, line 33, delete “and”

Page 4, line 35, delete the comma after “handgun”

Page 4, lines 35 and 36, delete “which” and replace with “that”

Page 5, lines 4 and 18, capitalize “state”

Page 5, lines 7 thru 10, where does the city send the letter to the Executive Director? The Rule should contain contact information to the regulated public or at least create a cross reference.

Page 5, line 16, add a comma after “Moore”

Page 5, line 26, capitalize the “s” of “state-owned”

Page 5, line 28 is the first reference to “Deer Management Assistance Program” and the term is capitalized. I do not see this in G.S. 113-291.2(e). Is this a specific program that is in existence and should be cross-referenced or incorporated?

Page 6, line 14, move the “August 1, 2014” date up to line 12. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10B .0203 is amended as published in 28:12 NCR 1331 as follows:

2
3 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

4 (a) Open Seasons (All Lawful Weapons) for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as
6 distinguished from knobs or buttons covered by skin or velvet, may be taken during the following
7 seasons:

8 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen,
9 Brunswick, Camden, Carteret, Chowan, Columbus*, Cumberland, Craven, Currituck,
10 Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke,
11 Hyde, Johnston, Jones, Lenoir, Martin, Moore, Nash, New Hanover, Northampton,
12 Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond**, Robeson,
13 Sampson, Scotland**, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson
14 counties.

15 *Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

16 **Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek
17 and Sandhills Game Lands.

18 (B) Saturday before Thanksgiving through January 1 in all of Alexander, Alleghany, Ashe,
19 Catawba, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, Wilkes*, and
20 Yadkin counties.

21 *Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

22 (C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
23 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
24 Jackson, Macon, Madison, McDowell, Mitchell, ~~Polk~~, Swain, Transylvania, and Yancey
25 counties.

26 (D) Two Saturdays before Thanksgiving through January 1 in all of Alamance, Anson,
27 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
28 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
29 counties.

30 (E) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates
31 and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those
32 parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National
33 Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee
34 National Wildlife Refuge, and in that part of Currituck County known as the Mackay
35 Island National Wildlife Refuge.

- 1 (F) Monday of Thanksgiving week through the fifth Saturday after Thanksgiving Day in all
2 of ~~Cleveland~~ Cleveland, Polk and Rutherford counties, except for South Mountain Game
3 Land.
- 4 (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open
5 seasons and in the counties and portions of counties listed in this Subparagraph: (Refer to 15A
6 NCAC 10D .0103 for either sex seasons on Game Lands):
- 7 (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service
8 during the period from the Saturday on or nearest September 10 through January 1 in
9 those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp
10 National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties
11 known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and
12 Richmond counties known as the Pee Dee National Wildlife Refuge, and in those parts of
13 Currituck County known as the Currituck National Wildlife Refuge and the Mackay
14 Island National Wildlife Refuge.
- 15 (B) The open either-sex deer hunting dates established by the appropriate military commands
16 during the period from Saturday on or nearest October 15 through January 1 in that part
17 of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of
18 Craven County known and marked as Cherry Point Marine Base, in that part of Onslow
19 County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military
20 Reservation, and on Camp Mackall Military Reservation.
- 21 (C) Youth either sex deer hunts. First Saturday in October for youth either sex deer hunting
22 by permit only on a portion of Belews Creek Steam Station in Stokes County designated
23 by agents of the Commission and the third Saturday in October for youth either-sex deer
24 hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties;
25 and the second Saturday in November for youth either-sex deer hunting by permit only
26 on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County
27 designated by agents of the Commission.
- 28 (D) The last open day of the Deer with Visible Antlers season described in Subparagraph
29 (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison and
30 Transylvania counties.**
- 31 *except for that part east of NC 191, south of the French Broad and Swannanoa Rivers,
32 west of US 25, and north of NC 280
- 33 **see 15A NCAC 10D .0103 for deer of either sex seasons on game lands that differ
34 from the days identified in this Subparagraph
- 35 (E) The last six open days of the Deer With Visible Antlers season described in
36 Subparagraph (a)(1) of this Rule in all of Avery, Burke, Caldwell, McDowell, Mitchell
37 and Yancey counties.

1 (F) The first six open days and the last six open days of the Deer with Visible Antlers season
2 described in Subparagraph (a)(1) of this Rule in all of Cleveland, Polk and Rutherford
3 counties.

4 (G) All the open days of the Deer With Visible Antlers season described in Subparagraph
5 (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln
6 and Gaston counties and in the following parts of counties:

7 Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers,
8 west of US 25, and north of NC 280; and

9 Henderson. That part east of NC 191 and north and west of NC 280.

10 (b) Open Seasons (Bow and Arrow) for hunting deer:

11 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
12 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow
13 during the following seasons:

14 (A) Saturday on or nearest September 10 to the third Friday thereafter in the counties and
15 parts of counties having the open season for Deer With Visible Antlers specified by Part
16 (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and
17 Sandhills Game Lands.

18 (B) Saturday on or nearest September 10 to the third Friday before Thanksgiving in the
19 counties and parts of counties having the open seasons for Deer with Visible Antlers
20 specified by Part (B) of Subparagraph (b)(1) of this Rule except for that portion of
21 Buffalo Cove Game Land in Wilkes County.

22 (C) ~~Monday-Saturday~~ on or nearest September 10 to the Sunday prior to the opening of the
23 blackpowder firearms and bow and arrow season identified in Part (c)(1)(C) of this Rule;
24 and the Sunday immediately following the closing of blackpowder firearms and bow and
25 arrow season identified in Part (c)(1)(C) of this Rule to the Sunday ~~third-Saturday~~
26 ~~thereafter, and Monday on or nearest October 15 to the Saturday~~ before Thanksgiving in
27 the counties and parts of counties having the open seasons for Deer With Visible Antlers
28 specified by Part (C) of Subparagraph (a)(1) of this Rule and in ~~Cleveland-Cleveland,~~
29 Polk and Rutherford counties.

30 (D) Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the
31 counties and parts of counties having the open season for Deer With Visible Antlers
32 specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Nicholson Creek,
33 Rockfish Creek and Sandhills Game Lands.

34 (2) Restrictions

35 (A) Dogs may not be used for hunting deer during the bow and arrow season, except a single
36 dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-
37 291.1(k).

1 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
2 may be used during the bow and arrow deer hunting season.

3 (c) Open Seasons (~~Blackpowder Muzzle Loading~~ Firearms and Bow and Arrow) for hunting deer:

4 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may
5 be taken only with blackpowder muzzle loading firearms and bow and arrow during the following
6 seasons:

7 (A) The Saturday on or nearest October 1 to the Friday of the second week thereafter in the
8 counties and parts of counties having the open seasons for Deer With Visible Antlers
9 specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek,
10 Rockfish Creek and Sandhills Game Lands.

11 (B) The third Saturday preceding Thanksgiving until the Friday of the second week thereafter
12 in the counties* and parts of counties having the open seasons for Deer With Visible
13 Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.

14 *Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

15 (C) Monday on or nearest October 1 to the Saturday of the second week thereafter
16 in ~~Cleveland~~ Cleveland, Polk and Rutherford counties and in the counties and parts of
17 counties having the open seasons for Deer With Visible Antlers specified by Part C of
18 Subparagraph (a)(1) of this Rule.

19 (D) The fourth Saturday preceding Thanksgiving until the Friday of the second week
20 thereafter in the counties and parts of counties having the open season for Deer With
21 Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on
22 Nicholson Creek, Rockfish Creek and Sandhills Game Lands.

23 (2) Restrictions

24 (A) Deer of either sex may be taken during blackpowder muzzle loading firearms and bow
25 and arrow season in and east of the following counties: Polk, Rutherford, McDowell,
26 Burke, Caldwell, ~~Watauga~~ Watauga and Ashe. Deer of either sex may be taken on the
27 last day of this season in all other counties.

28 (B) Dogs shall not be used for hunting deer during the blackpowder muzzle loading firearms
29 and bow and arrow seasons, except a single dog on a leash may be used to retrieve a
30 wounded deer in accordance with G.S. 113-291.1(k).

31 (3) As used in this Paragraph, blackpowder firearms means "Any firearm — including any firearm
32 with a matchlock, flintlock, percussion cap, or similar type of ignition system — manufactured in
33 or before 1898; and any replica of this type of firearm if such replica is not designed or redesigned
34 for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle,
35 muzzle-loading shotgun, or muzzle-loading handgun, which is designed to use blackpowder,
36 blackpowder substitute, or any other propellant loaded through the muzzle and which cannot use
37 fixed ammunition."

- 1 (d) Open Season (Urban Season) for hunting deer:
- 2 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
- 3 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in
- 4 participating cities in the state, as defined in G.S. 160A-1(2), from the second Saturday following
- 5 January 1 to the fifth Saturday thereafter. Deer shall not be taken on any game land or part thereof
- 6 that occurs within a city boundary.
- 7 (2) Participation. Cities that intend to participate in the urban season must send a letter to that effect
- 8 no later than April 1 of the year prior to the start of the urban season to the Executive Director or
- 9 his designee. Cities must also submit a map of the city's boundaries within which the urban season
- 10 shall apply.
- 11 (3) Restrictions:
- 12 (A) Dogs shall not be used for hunting deer during the urban season, except a single dog on a
- 13 leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- 14 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
- 15 shall be used during the urban season.
- 16 (e) Bag limits. In and east of Vance, Franklin, Wake, Harnett, Moore and Richmond counties, the possession limit
- 17 is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the possession limit
- 18 is six deer, up to two of which may be deer with visible antlers. The season limit in all counties of the state is six
- 19 deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report
- 20 cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional
- 21 antlerless deer per card on lands others than lands enrolled in the Commission's game land program during any open
- 22 deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this
- 23 Rule. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the
- 24 possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested
- 25 during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities,
- 26 except on state-owned game lands. Antlerless deer include males with knobs or buttons covered by skin or velvet as
- 27 distinguished from spikes protruding through the skin. The bag limits described above do not apply to deer
- 28 harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e)
- 29 for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP
- 30 license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer
- 31 harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported
- 32 as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card
- 33 provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the
- 34 DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject
- 35 to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or
- 36 the bonus antlerless harvest report card.

37

1 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;*
2 *Eff. February 1, 1976;*
3 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
4 *1994; July 1, 1993;*
5 *Temporary Amendment Eff. July 1, 1999;*
6 *Amended Eff. July 1, 2000;*
7 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
8 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
9 *Temporary Amendment Eff. June 1, 2003;*
10 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*
11 *17, 2003);*
12 *Amended Eff. August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May*
13 *1, 2007; May 1, 2006; June 1, 2005.*
14 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0203

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, the title of the Rule is plural "Agreements", but this is not correctly reflected on the form

Lines 5 thru 6, and line 14, the name for the comparable agency in Virginia is actually "Virginia Department of Game and Inland Fisheries" Please correct.

Line 7, delete the extra space in "by means"

Lines 10, 22 and 26, delete "which" and replace with "that:

Line 19, add a comma after "permits"

Line 26, is there not "a reciprocal license agreement" with Tennessee? That phrase is missing for Tennessee, but is in line 4 for Virginia and line 18 for Georgia.

Line 30, define or delete the phrase "according to the tenor thereof." The phrase seems unnecessary

Line 35, move the "August 1, 2014" date up to line 34. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0203 is amended as published in 28:12 NCR 1334 as follows:

2
3 **15A NCAC 10C .0203 RECIPROCAL LICENSE AGREEMENTS**

4 (a) Virginia. In accordance with a reciprocal license agreement between the States of Virginia and North Carolina,
5 all valid licenses and permits authorizing sport fishing and legally obtained from the Virginia Commission of Game
6 and Inland Fisheries or the North Carolina Wildlife Resources Commission, or the duly authorized agents of either,
7 shall be reciprocally honored for fishing by means of rod and reel, hook and line, casting, or trotline in the Dan
8 River east of the ~~Brantly Steam Plant Union Street Dam~~ at Danville, and east of the ~~Rte. 360 bridge mouth of~~
9 Difficult Creek on the Staunton River arm of Kerr Reservoir to the Gaston Dam on the Roanoke River, including all
10 tributary waters lying in either Virginia or North Carolina which are accessible by boat from the main bodies of the
11 Kerr and Gaston Reservoirs, or from the Island Creek subimpoundment. ~~The Rte. 360 bridge is the first bridge~~
12 ~~crossing the Staunton River upstream of Kerr Reservoir.~~ Senior citizen and juvenile license exemptions authorized
13 by either state will be honored by both states. In addition, all valid fishing licenses and permits legally obtained
14 from the Virginia Game and Fish Commission or the North Carolina Wildlife Resources Commission, or the duly
15 authorized agents of either, shall be reciprocally honored for fishing with rod and reel, hook and line or by casting in
16 that portion of the New River between the confluence of the North and South forks of the New River in North
17 Carolina (Alleghany County) and the confluence of the New and Little Rivers in Virginia (Grayson County).

18 (b) Georgia. In accordance with a reciprocal license agreement between the States of North Carolina and Georgia,
19 all valid statewide fishing licenses, permits and license exemptions required by and legally obtained from the North
20 Carolina Wildlife Resources Commission or the Georgia Department of Natural Resources, or duly authorized
21 agents of either, shall be reciprocally honored for the purposes of fishing with hook and line in all of Chatuge
22 Reservoir including all tributary waters lying in either Georgia or North Carolina which are accessible by boat from
23 the main body of Chatuge Reservoir. All persons fishing in the waters of Chatuge Reservoir beyond the bounds of
24 the state from which they hold a valid fishing license, shall be authorized to fish with said license only from boats
25 not anchored to the shore or to a pier or boat dock connecting to the shore.

26 (c) Tennessee. In that portion of Slick Rock Creek which coincides with the state line between North Carolina and
27 Tennessee and in all of Calderwood Reservoir, when fishing from boat, all valid statewide fishing licenses obtained
28 from the North Carolina Wildlife Resources Commission or the Tennessee Wildlife Resources Agency, or the duly
29 authorized agents of either, shall be reciprocally honored for the purposes of fishing with hook and line or fishing in
30 designated mountain trout waters, according to the tenor thereof.

31
32 *History Note: Authority G.S. 113-134; 113-275; 113-304;*
33 *Eff. February 1, 1976;*
34 *Amended Eff. July 1, 1998; July 1, 1995; July 1, 1991.*
35 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0205

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 3, lines 1 and 3, page 4, line 13, page 6, lines 17 and 21, the language is not consistent. Should there be a period or comma after "water"? Should the "not" be capitalized like "Delayed Harvest..." clause?

Page 6, lines 1 and 2, the text change is not correct. The parentheses is punctuation and should be handled according to 26 NCAC 02 .0108(7). Is the period after "boundary)" new? If so, properly track.

Page 9, line 35, the alignment looks off. Please correct.

Page 10, lines 7 thru 10, the alignment looks off. Based on page 5 and 6, there should be no indented text on page 10, lines 7 thru 10.

Page 12, lines 4, 11, 24, 27, and 33; page 14, lines 8, 13, 19, 26, and 29; and page 15, lines 1, 28, and 30, the terms appear to be "catch and release" and "artificial flies" Instead of the "/", it would read better with an "or" connecting the terms. Please correct

Page 13, lines 6, 8, 10, 13, 19, 21, 24, and 33; and page 18, line 8, the terms appear to be "Wild Trout" and "Natural Bait Waters" Instead of the "/", it would read better with an "or" connecting the terms. Please correct

Page 15, line 31, the sentence as written is very confusing. Would it be better stated as

"Harvest or possession of trout while fishing these streams is prohibited:"

Page 15, line 37, the spacing seems incorrect for "Creek" Please correct.

Page 16, line 4, the spacing seems incorrect for "Upper Creek (entire stream)" Please correct.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, March 28, 2014

Page 16, line 36, the text change is not correct. The parentheses is punctuation and should be handling according to 26 NCAC 02 .0108(7).

Page 17, line 15, add a space between "US70"

Page 17, line 37, the spacing seems incorrect for "Prong" Please correct.

Page 18, line 11, is the citation to 15A NCAC 10C .0305(a) correct?

Page 19, add a comma after "limits"

Page 20, line 9 move the "August 1, 2014" date up to line 7. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0205 is amended with changes as published in 28:12 NCR 1335 as follows:

2

3 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

4 (a) Designation of Public Mountain Trout Waters. For the purposes of this Rule, artificial lure is defined as a
 5 fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or
 6 smell. Natural bait is defined as any living or dead organism (plant or animal), or parts thereof, or prepared
 7 substances designed to attract fish by the sense of taste or smell. The waters listed herein or in 15A NCAC 10D
 8 .0104 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery
 9 Supported Waters. For specific classifications, see Subparagraphs (1) through (6) of this Paragraph. These waters
 10 are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

11 (1) Hatchery Supported Trout Waters. The listed waters in the counties in Subparagraphs (a)(1)(A)
 12 through (Y) are classified as Hatchery Supported Public Mountain Trout Waters. Where specific
 13 watercourses or impoundments are listed, indentation indicates that the watercourse or
 14 impoundment listed is tributary to the next preceding watercourse or impoundment listed and not
 15 so indented. This classification applies to the entire watercourse or impoundment listed except as
 16 otherwise indicated in parentheses following the listing. Other clarifying information may also be
 17 included parenthetically. The tributaries of listed watercourses or impoundments are not included
 18 in the classification unless specifically set out therein.

19 (A) Alleghany County:

- 20 New River (not trout water)
- 21 Little River (Whitehead to McCann Dam) [Delayed Harvest Regulations apply
- 22 to portion between Whitehead and a point 275 yards downstream of the
- 23 intersection of SR 1128 and SR 1129 as marked by a sign on each bank. See
- 24 Subparagraph (a)(5) of this Rule.]
- 25 Brush Creek (NC 21 bridge to confluence with Little River, except where
- 26 posted against trespass)
- 27 Big Pine Creek
- 28 (Big) Glade Creek
- 29 Bledsoe Creek
- 30 Pine Swamp Creek
- 31 South Fork New River (not trout water)
- 32 Prather Creek
- 33 Cranberry Creek
- 34 Piney Fork
- 35 Meadow Fork

36 (B) Ashe County:

- 37 New River (not trout waters)

- 1 North Fork New River (Watauga County line to Sharp Dam)
- 2 Helton Creek (Virginia State line to New River) [Delayed Harvest
- 3 Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 4 Big Horse Creek (Mud Creek at SR 1363 to confluence with North Fork
- 5 New River) [Delayed Harvest Regulations apply to portion between SR
- 6 1324 bridge and North Fork New River. See Subparagraph (a)(5) of this
- 7 Rule.]
- 8 Buffalo Creek (SR 1133 bridge to NC 194-88 bridge)
- 9 Big Laurel Creek
- 10 Three Top Creek (portion not on game lands)
- 11 South Fork New River (Todd Island park) [Delayed Harvest Regulations apply.
- 12 See Subparagraph (a)(5) of this Rule]
- 13 Cranberry Creek (Alleghany County line to South Fork New River)
- 14 Nathans Creek
- 15 Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
- 16 Trout Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5)
- 17 of this Rule.]
- 18 Roan Creek
- 19 Beaver Creek
- 20 Old Fields Creek
- 21 (C) Avery County:
- 22 Nolichucky River (not trout waters)
- 23 North Toe River – upper (Watauga Street to Roby Shoemaker Wetlands and
- 24 Family Recreational Park, except where posted against trespass)
- 25 North Toe River – lower (SR 1164 to Mitchell County line, except where posted
- 26 against trespass)
- 27 Squirrel Creek
- 28 Elk River (SR 1305 crossing immediately upstream of Big Falls to the
- 29 Tennessee State line)
- 30 Wildcat Lake
- 31 Catawba River (not trout water)
- 32 Johns River (not trout water)
- 33 Wilson Creek [not Hatchery Supported trout water, see Subparagraph (a)(2)
- 34 of this Rule.]
- 35 Lost Cove Creek [not Hatchery Supported trout water, see
- 36 Subparagraph (a)(4) of this Rule.]

- 1 Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph
- 2 (a)(2) of this Rule.]
- 3 Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (a)(2)
- 4 of this Rule.]
- 5 Boyde Coffey Lake
- 6 Linville River [Land Harbor line (below dam) to Blue Ridge Parkway boundary line,
- 7 except where posted against trespass]
- 8 Milltimber Creek
- 9 (D) Buncombe County:
- 10 French Broad River (not trout water)
- 11 Ivy Creek (Ivy River) (Dillingham Creek to US 19-23 bridge)
- 12 Dillingham Creek (Corner Rock Creek to Ivy Creek)
- 13 Stony Creek
- 14 Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
- 15 Reems Creek (Sugar Camp Fork to US 19-23 bridge, except where posted against
- 16 trespass)
- 17 Swannanoa River (SR 2702 bridge near Ridgecrest to Wood Avenue Bridge,
- 18 intersection of NC 81W and US 74A in Asheville, except where posted against
- 19 trespass)
- 20 Bent Creek (headwaters to N.C. Arboretum boundary line)
- 21 Lake Powhatan
- 22 Rich Branch (downstream from confluence with Rocky Branch)
- 23 Cane Creek (headwaters to SR 3138 bridge)
- 24 (E) Burke County:
- 25 Catawba River (Muddy Creek to the City of Morganton water intake dam) [Special
- 26 Regulations apply. See Subparagraph (a)(7) of this Rule.]
- 27 South Fork Catawba River (not trout water)
- 28 Henry Fork (lower South Mountains State Park line downstream to SR 1919
- 29 at Ivy Creek)
- 30 Jacob Fork (Shinny Creek to lower South Mountain State Park
- 31 boundary) [Delayed Harvest Regulations apply. See Subparagraph
- 32 (a)(5) of this Rule.]
- 33 Johns River (not trout water)
- 34 Parks Creek (portion not on game lands not trout water)
- 35 Carroll Creek (game lands portion above SR 1405)

- 1 Linville River (portion within Linville Gorge Wilderness Area, and portion
2 below Lake James powerhouse from upstream bridge on SR 1223 to Muddy
3 Creek)
- 4 (F) Caldwell County:
- 5 Catawba River (not trout water)
- 6 Johns River (not trout water)
- 7 Wilson Creek (game lands portion downstream of Lost Cove Creek to
8 Brown Mountain Beach dam, except where posted against trespass)
9 [Delayed Harvest Regulations apply to game lands portion between Lost
10 Cove Creek and Phillips Branch. See Subparagraph (a)(5) of this Rule.]
- 11 Estes Mill Creek (not trout water)
- 12 Mulberry Creek (portion not on game lands not trout water)
- 13 Boone Fork [not Hatchery Supported trout water. See Subparagraph (a)(2)
14 of this Rule.]
- 15 Boone Fork Pond
- 16 Yadkin River (Happy Valley Ruritan Community Park to SR 1515)
- 17 Buffalo Creek (mouth of Joes Creek to McCloud Branch)
- 18 Joes Creek (first falls upstream of SR 1574 to confluence with Buffalo
19 Creek)
- 20 (G) Cherokee County:
- 21 Hiwassee River (not trout water)
- 22 Shuler Creek (Joe Brown Highway (SR 1325) bridge to Tennessee line)
- 23 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
- 24 Valley River (headwaters to US 19 business bridge in Murphy)
- 25 Hyatt Creek (Big Dam Branch to Valley River)
- 26 Junaluska Creek (Ashturn Creek to Valley River)
- 27 (H) Clay County:
- 28 Hiwassee River (not trout water)
- 29 Fires Creek (USFS Road 340A to the foot bridge in the US Forest Service Fires
30 Creek Picnic Area) [Delayed Harvest Regulations apply. See Subparagraph
31 (a)(5) of this Rule.]
- 32 Fires Creek (foot bridge in the US Forest Service Fires Creek Picnic Area to SR
33 1300)
- 34 Tusquitee Creek (headwaters to lower SR 1300 bridge)
- 35 Nantahala River (not trout water)
- 36 Buck Creek (game land portion downstream of US 64 bridge)
- 37 (I) Graham County:

- 1 Little Tennessee River (not trout water)
- 2 Calderwood Reservoir (Cheoah Dam to Tennessee State line)
- 3 Cheoah River (not trout water)
- 4 Yellow Creek (Lake Santeelah hydropower pipeline to Cheoah River)
- 5 Santeetlah Reservoir (not trout water)
- 6 West Buffalo Creek
- 7 Santeetlah Creek (Johns Branch to Lake Santeelah)
- 8 Big Snowbird Creek (USFS foot bridge at the old railroad junction to
- 9 USFS Road 2579) [Delayed Harvest Regulations apply. See
- 10 Subparagraph (a)(5) of this Rule.]
- 11 (Big) Snowbird Creek (USFS Road 2579 to SR 1127 bridge)
- 12 Tulula Creek (headwaters to lower bridge on SR 1275)
- 13 Cheoah Reservoir
- 14 Fontana Reservoir (not trout water)
- 15 Stecoah Creek
- 16 Panther Creek (confluence of Stand Creek and Rock Creek to Lake
- 17 Fontana)
- 18 (J) Haywood County:
- 19 Pigeon River (Stamey Cove Branch to upstream US 19-23 bridge)
- 20 Cold Springs Creek (Fall Branch to Pigeon River)
- 21 Jonathan Creek (upstream SR 1302 bridge to Pigeon River, except where posted
- 22 against trespass)
- 23 Richland Creek (Russ Avenue (US 276) bridge to US 19 bridge)
- 24 West Fork Pigeon River (Tom Creek to the first game land boundary upstream
- 25 of Lake Logan) [Delayed Harvest Regulations apply to the portion from Queen
- 26 Creek to the first game land boundary upstream of Lake Logan. See
- 27 Subparagraph (a)(5) of this Rule.]
- 28 (K) Henderson County:
- 29 (Rocky) Broad River (Rocky River Lane to Rutherford County line)
- 30 Green River (Lake Summit Powerhouse to game land boundary)
- 31 (Big) Hungry River (SR 1885 to Green River)
- 32 French Broad River (not trout water)
- 33 Cane Creek (railroad bridge upstream of SR 1551 to US 25 bridge)
- 34 Mud Creek (not trout water)
- 35 Clear Creek (Laurel Fork to SR 1582)
- 36 Mills River (not trout water)

1 North Fork Mills River (~~game lands portion below the Hendersonville watershed~~
2 dam to the lower game land boundary). [Delayed Harvest Regulations apply.
3 See Subparagraph (a)(5) of this Rule.]

4 (L) Jackson County:

5 Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1534 bridge
6 at Wilmot) [Delayed Harvest Regulations apply to that portion between the
7 downstream NC 107 bridge and the falls located 275 yards ~~upstreams~~ upstream of
8 US 23-441 bridge as marked by a sign on each bank. See Subparagraph (a)(5) of this
9 Rule.]

10 Scott Creek (entire stream, except where posted against trespass)

11 Dark Ridge Creek (Jones Creek to Scotts Creek)

12 Savannah Creek (Headwaters to Bradley's Packing House on NC 116)

13 Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)

14 Cullowhee Creek (Tilley Creek to Tuckasegee River)

15 Cedar Cliff Lake

16 Bear Creek Lake

17 Wolf Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this
18 Rule.]

19 Wolf Creek Lake

20 Balsam Lake

21 Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this
22 Rule.]

23 Tanasee Creek Lake

24 (M) Macon County:

25 Little Tennessee River (not trout water)

26 Nantahala River (Nantahala Dam to Swain County line) [Delayed Harvest
27 Regulations apply to the portion from Whiteoak Creek to the Nantahala
28 hydropower discharge canal. See Subparagraph (a)(5) of this Rule.]

29 Queens Creek Lake

30 Burningtown Creek (Left Prong to Little Tennessee River)

31 Cullasaja River (Sequoyah Dam to US 64 bridge near junction of SR 1672)

32 ~~Skitty Creek~~

33 Cliffside Lake

34 Cartoogechaye Creek (downstream US 64 bridge to Little Tennessee River)

35 (N) Madison County:

36 French Broad River (not trout water)

37 Shut-in Creek

- 1 West Fork Shut-in Creek (lower game land boundary to confluence with East
- 2 Fork Shut-in Creek)
- 3 Spring Creek - upper (junction of NC 209 and NC 63 to US Forest Service road
- 4 223)
- 5 Spring Creek - lower (NC 209 bridge at Hot Springs city limits to iron bridge at
- 6 end of Andrews Avenue) [Delayed Harvest Regulations apply. See
- 7 Subparagraph (a)(5) of this Rule.]
- 8 Meadow Fork Creek
- 9 Roaring Fork (Fall Branch to Meadow Fork)
- 10 Max Patch Pond
- 11 Big Laurel Creek (Mars Hill Watershed boundary to the SR 1318 bridge, also
- 12 known as Big Laurel Road bridge, downstream of Bearpen Branch)
- 13 Big Laurel Creek (NC 208 bridge to US 25-70 bridge) [Delayed Harvest
- 14 Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 15 Spillcorn Creek
- 16 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to NC 208
- 17 bridge at Belva)
- 18 Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big
- 19 Laurel Creek) [Delayed Harvest Regulations apply. See Subparagraph
- 20 (a)(5) of this Rule.]
- 21 Puncheon Fork (Hampton Creek to Big Laurel Creek)
- 22 Big Pine Creek (SR 1151 bridge to French Broad River)
- 23 Ivy Creek (not trout waters)
- 24 Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to
- 25 confluence with Ivy Creek at Forks of Ivy)
- 26 (O) McDowell County:
- 27 Catawba River – upper (Catawba Falls Campground to Old Fort Recreation Park)
- 28 Catawba River – lower (portion adjacent to Marion Greenway) [Delayed Harvest
- 29 Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 30 Buck Creek (portion not on game lands, not trout water)
- 31 Little Buck Creek (game land portion)
- 32 Curtis Creek game lands portion downstream of US Forest Service boundary at
- 33 Deep Branch. [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
- 34 this Rule.]
- 35 North Fork Catawba River (headwaters to SR 1569 bridge)
- 36 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)

- 1 Mill Creek (upper railroad bridge to I 40 bridge, except where posted against
2 trespass) [Delayed Harvest Regulations apply to that portion between US 70
3 bridge and I 40 bridge. See Subparagraph (a)(5) of this Rule.]
- 4 (P) Mitchell County:
- 5 Nolichucky River (not trout water)
- 6 Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)
- 7 Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where
8 posted against trespass)
- 9 Cane Creek (SR 1219 to SR 1189 bridge) [Delayed Harvest Regulations apply
10 to that portion from NC 226 bridge to SR 1189 bridge. See Subparagraph (a)(5)
11 of this Rule.]
- 12 Grassy Creek (East Fork Grassy Creek to mouth)
- 13 East Fork Grassy Creek
- 14 North Toe River (Avery County line to SR 1121 bridge)
- 15 North Toe River (US 19E bridge to NC 226 bridge) [Delayed Harvest
16 Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 17 (Q) Polk County:
- 18 Broad River (not trout water)
- 19 North Pacolet River (Joels Creek to NC 108 bridge)
- 20 Green River (Fishtop Falls Access Area to the natural gas pipeline crossing)
21 [Delayed Harvest Regulations apply to the portion from Fishtop Falls Access
22 Area to Cove Creek. See Subparagraph (a)(5) of this Rule.]
- 23 (R) Rutherford County:
- 24 (Rocky) Broad River (Henderson County line to US 64/74 bridge, except where
25 posted against trespass)
- 26 (S) Stokes County:
- 27 Dan River (Virginia State line downstream to a point 200 yards below the end of SR
28 1421)
- 29 (T) Surry County:
- 30 Yadkin River (not trout water)
- 31 Big Elkin Creek (dam 440 yards upstream of NC 268 bridge to a point 265 yards
32 downstream of NC 268 bridge as marked by a sign on each bank)
- 33 Ararat River (SR 1727 bridge downstream to the NC 103 bridge)
- 34 Araat River (NC 103 bridge to US 52 bridge) [Delayed Harvest Regulations
35 apply. See Subparagraph (a)(5) of this Rule.]
- 36 Stewarts Creek (not trout water)

1 Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge -
2 lower Caudle property line)
3 Fisher River (Cooper Creek) (Virginia State line to Interstate 77)
4 Little Fisher River (Virginia State line to NC 89 bridge)
5 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge
6 below Kapps Mill Dam) [Delayed Harvest Regulations apply. See
7 Subparagraph (a)(5) of this Rule.]

8 (U) Swain County:

9 Little Tennessee River (not trout water)
10 Calderwood Reservoir (Cheoah Dam to Tennessee State line)
11 Cheoah Reservoir
12 Fontana Reservoir (not trout water)
13 Alarka Creek (game lands boundary to Fontana Reservoir)
14 Nantahala River (Macon County line to existing Fontana Reservoir water
15 level)
16 Tuckasegee River (not trout water)
17 Deep Creek (Great Smoky Mountains National Park boundary line to
18 Tuckasegee River)
19 Connelly Creek (Camp Branch to Tuckasegee River)

20 (V) Transylvania County:

21 French Broad River (confluence of North Fork French Broad River and West Fork
22 French Broad River to the Island Ford Road (SR 1110) Access Area)
23 Davidson River (Avery Creek to lower US Forest Service boundary line)
24 East Fork French Broad River (Glady Fork to French Broad River) [Delayed
25 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
26 Little River (confluence of Lake Dense outflow to 100 yards downstream of
27 Hooker Falls) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
28 this Rule.]
29 Middle Fork French Broad River
30 West Fork French Broad River (Camp Cove Branch to confluence with North
31 Fork French Broad River)

32 (W) Watauga County:

33 New River (not trout waters)
34 South Fork New River (canoe launch 70 yards upstream of US 421 bridge
35 to lower boundary of Brookshire Park)
36 Meat Camp Creek
37 Norris Fork Creek

- 1 Middle Fork New River (Lake Chetola Dam to South Fork New River)
- 2 Yadkin River (not trout water)
- 3 Stony Fork (headwaters to Wilkes County line)
- 4 Elk Creek (SR 1510 bridge at Triplett to Wilkes County line, except where
- 5 posted against trespass)
- 6 ~~Watauga River (adjacent to the intersection of SR 1557 and SR 1558 to NC 105~~
- 7 ~~bridge and SR 1114 upper (SR 1114 bridge to NC 194 bridge at Valle Crucis).~~
- 8 [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 9 Watauga River-lower (SR 1103 bridge to confluence with Laurel Creek) [Delayed
- 10 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule]
- 11 Beech Creek
- 12 Buckeye Creek Reservoir
- 13 Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
- 14 Coffee Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
- 15 this Rule.]
- 16 Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek
- 17 to an unnamed tributary adjacent to the intersection of SR 1201 and SR 1203)
- 18 Laurel Creek
- 19 Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)
- 20 Dutch Creek (second bridge on SR 1134 to mouth)
- 21 (X) Wilkes County:
- 22 Yadkin River (not trout water)
- 23 Roaring River (not trout water)
- 24 East Prong Roaring River (from Bullhead Creek downstream to Stone
- 25 Mountain State Park lower boundary) [Delayed Harvest Regulations apply.
- 26 See Subparagraph (a)(5) of this Rule.]
- 27 East Prong Roaring River (Stone Mountain State Park lower boundary to
- 28 Brewer's Mill on SR 1943)
- 29 Stone Mountain Creek [Delayed Harvest Regulations apply. See
- 30 Subparagraph (a)(5) of this Rule.]
- 31 Middle Prong Roaring River (headwaters to second bridge on SR 1736)
- 32 Bell Branch Pond
- 33 Boundary Line Pond
- 34 West Prong Roaring River (not trout waters)
- 35 Pike Creek
- 36 Pike Creek Pond
- 37 Cub Creek (0.5 miles upstream of SR 2460 bridge to SR 1001 bridge)

1 Reddies River (Town of North Wilkesboro water intake dam to confluence with
2 Yadkin River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
3 this Rule.]

4 Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR
5 1580)

6 South Fork Reddies River (SR 1355 bridge to confluence with Middle
7 Fork Reddies River)

8 North Fork Reddies River (Vannoy Creek) (headwaters to Union
9 School bridge on SR 1559)

10 Darnell Creek (North Prong Reddies River) (downstream ford on
11 SR 1569 to confluence with North Fork Reddies River)

12 Lewis Fork Creek (not trout water)

13 South Prong Lewis Fork (Fall Creek to SR 1155 bridge)

14 Fall Creek (SR 1300 bridge to confluence with South Prong Lewis Fork
15 except portions posted against trespass)

16 Elk Creek – upper (Watauga County line to lower boundary of Blue Ridge
17 Mountain Club) [Delayed Harvest Regulations apply. See Subparagraph (a)(5)
18 of this Rule.]

19 Elk Creek – lower (portion on Leatherwood Mountains development) [Delayed
20 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]

21 (Y) Yancey County:

22 Nolichucky River (not trout water)

23 Cane River [Bee Branch (SR 1110) to Bowlens Creek]

24 Bald Mountain Creek (except portions posted against trespass)

25 Indian Creek (not trout water)

26 Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)

27 North Toe River (not trout water)

28 South Toe River (Clear Creek to lower boundary line of Yancey County
29 recreation park except where posted against trespass)

30 (2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands
31 listed in Subparagraph (b)(2) of 15A NCAC 10D .0104, are classified as Wild Trout Waters unless
32 classified otherwise in Subparagraph (a)(1) of this Rule. The trout waters listed in this
33 Subparagraph are also classified as Wild Trout Waters.

34 (A) Alleghany County:

35 Big Sandy Creek (portion on Stone Mountain State Park)

36 Stone Mountain Creek (that portion on Stone Mountain State Park)

37 (B) Ashe County:

- 1 Big Horse Creek (Virginia State Line to Mud Creek at SR 1363) [Catch and
2 Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.]
3 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game
4 Land) [Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph
5 (a)(3) of this Rule.]
6 (C) Avery County:
7 Birchfield Creek (entire stream)
8 Cow Camp Creek (entire stream)
9 Cranberry Creek (headwaters to US 19E/NC 194 bridge)
10 Elk River (portion on Lees-McRae College property, excluding the millpond) [Catch and
11 Release/Artificial Flies Only Regulations apply. See Subparagraph (a)(4) of this
12 Rule.]
13 Gragg Prong (entire stream)
14 Horse Creek (entire stream)
15 Jones Creek (entire stream)
16 Kentucky Creek (entire stream)
17 North Harper Creek (entire stream)
18 Plumtree Creek (entire stream)
19 Roaring Creek (entire stream)
20 Rockhouse Creek (entire stream)
21 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
22 South Harper Creek (entire stream)
23 Webb Prong (entire stream)
24 Wilson Creek [Catch and Release/Artificial Lures Only Regulations apply. See
25 Subparagraph (a)(3) of this Rule.]
26 (D) Buncombe County:
27 Carter Creek (game land portion) [Catch and Release/Artificial Lures only Regulations
28 apply. See Subparagraph (a)(3) of this Rule.]
29 (E) Burke County:
30 All waters located on South Mountain State Park, except Clear Creek Reservoir, the main
31 stream of Jacob Fork between the mouth of Shinny Creek and the lower park
32 boundary where Delayed Harvest Regulations apply, and Henry Fork and tributaries
33 where Catch and Release/Artificial Lures Only Regulations apply. See
34 Subparagraphs (a)(3) and (a)(5) of this Rule.
35 Nettle Branch (game land portion)
36 (F) Caldwell County:

- 1 Buffalo Creek (Watauga County line to Long Ridge Branch including tributaries on game
2 lands)
3 Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)
4 Rockhouse Creek (entire stream)
5 (G) Cherokee County:
6 Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters
7 Regulations apply. See Subparagraph (a)(6) of this Rule.]
8 Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
9 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
10 North Shoal Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
11 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
12 (H) Graham County:
13 Franks Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
14 Subparagraph (a)(6) of this Rule.]
15 Little Buffalo Creek (entire stream)
16 South Fork Squally Creek (entire stream)
17 Squally Creek (entire stream)
18 (I) Haywood County
19 Hemphill Creek [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph
20 (a)(6) of the Rule.]
21 Hurricane Creek (including portions of tributaries on game lands) [Wild Trout/Natural
22 Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
23 (J) Jackson County:
24 Buff Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
25 Subparagraph (a)(6) of this Rule.]
26 Gage Creek (entire stream)
27 North Fork Scott Creek (entire stream)
28 Tanasee Creek (entire stream)
29 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
30 Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)
31 (K) Madison County:
32 Big Creek (headwaters to the lower game land boundary, including tributaries) [Wild
33 Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
34 (L) Mitchell County:
35 Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)
36 Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except
37 where

- 1 posted against trespass)
- 2 Wiles Creek (game land boundary to mouth)
- 3 (M) Transylvania County:
- 4 All waters located on Gorges State Park
- 5 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- 6 (N) Watauga County:
- 7 Dugger Creek (portions on Blue Ridge Mountain Club, including tributaries) [Catch and
- 8 Release/Artificial Lure Only Trout Waters Regulations apply. See Subparagraph (a)(3)
- 9 of this Rule.]
- 10 Dutch Creek (headwaters to second bridge on SR 1134)
- 11 Howard Creek (entire stream)
- 12 Laurel Creek (portions on Blue Ridge Mountain Club and Powder Horn Mountain
- 13 developments, including tributaries) [Catch and Release/Artificial Lure Only Trout
- 14 Waters Regulations apply. See subparagraph (a)(3) of this Rule.]
- 15 Maine Branch (headwaters to North Fork New River)
- 16 North Fork New River (from confluence with Maine and Mine branches to Ashe County
- 17 line)
- 18 Pond Creek (headwaters to Locust Ridge Road bridge, excluding the pond adjacent to
- 19 Coffee Lake) [Catch and Release/Artificial Lure Only Trout Waters Regulations Apply.
- 20 See Subparagraph (a)(3) of this Rule.]
- 21 Watauga River (Avery County line to SR 1580 bridge)
- 22 Winkler Creek (lower bridge on SR 1549 to confluence with South Fork New River)
- 23 (O) Wilkes County:
- 24 Big Sandy Creek (portion on Stone Mountain State Park)
- 25 Dugger Creek (portions on Blue Ridge Mountain Club, including tributaries) [Catch and
- 26 Release/Artificial Lure Only Trout Waters Regulations apply. See Subparagraph (a)(3)
- 27 of this Rule.]
- 28 Garden Creek (portion on Stone Mountain State Park)
- 29 Harris Creek and tributaries (portions on Stone Mountain State Park) [Catch and Release
- 30 Artificial Lures Only Regulations apply. See Subparagraph (a)(4) of this Rule.]
- 31 Widow Creek (portion on Stone Mountain State Park)
- 32 (P) Yancey County:
- 33 Cattail Creek (Bridge at Mountain Farm Community Road (Private) to NC 197 bridge)
- 34 Lickskillet Creek (entire stream)
- 35 Middle Creek (game land boundary to mouth)
- 36 (3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout
- 37 waters as listed in this Subparagraph, including tributaries except as noted, are further classified as

1 Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may
2 be used. No trout may be harvested or be in possession while fishing these streams:

3 (A) Ashe County:

4 Big Horse Creek (Virginia State line to Mud Creek at SR 1363 excluding tributaries)

5 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game
6 Lands)

7 (B) Avery County:

8 Wilson Creek (game land portion)

9 (C) Buncombe County:

10 Carter Creek (game land portion)

11 (D) Burke County:

12 Henry Fork (portion on South Mountains State Park)

13 ~~(E) Haywood County:~~

14 ~~West Fork Pigeon River (game land portion below Lake Logan Dam)]~~

15 (E)~~(F)~~ Jackson County:

16 Flat Creek

17 Tuckasegee River (upstream of Clarke property)

18 (F)~~(G)~~ McDowell County:

19 Newberry Creek (game land portion)

20 (G)~~(H)~~ Watauga County:

21 Dugger Creek (portions on Blue Ridge Mountain Club, including tributaries)

22 Laurel Creek (portions on Blue Ridge Mountain Club and Powder Horn Mountain
23 developments, including tributaries)

24 Pond Creek (headwaters to Locust Ridge bridge, excluding the pond adjacent to Coffee
25 Lake)

26 (H)~~(I)~~ Wilkes County:

27 Dugger Creek (portions on Blue Ridge Mountain Club, including tributaries)

28 (4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout
29 waters as listed in this Subparagraph, including tributaries except as noted, are further classified as
30 Catch and Release/Artificial Flies Only waters. Only artificial flies having one single hook may
31 be used. No trout may be harvested or be in possession while fishing these streams:

32 (A) Avery County:

33 Elk River (portion on Lees-McRae College property, excluding the millpond)

34 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)

35 (B) Transylvania County:

36 Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass
37 Creek)

- 1 and Grogan Creek)
- 2 (C) Yancey County:
- 3 South Toe River (headwaters to Upper Creek, including tributaries)
- 4 Upper Creek (entire stream)
- 5 (5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as
- 6 listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed
- 7 Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first
- 8 Saturday of the following June, inclusive, it is unlawful to possess natural bait, use more than a
- 9 single hook on an artificial lure, or harvest or possess trout while fishing these waters. These
- 10 waters are closed to fishing between one-half hour after sunset on the Friday before the first
- 11 Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in
- 12 June these waters are open for fishing under Hatchery Supported Waters rules for youth anglers
- 13 only. Youth is defined as a person under 16 years of age. At 12:00 p.m. on the first Saturday in
- 14 June these streams open for fishing under Hatchery Supported Waters rules for all anglers:
- 15 (A) Alleghany County:
- 16 Little River (Whitehead to a point 275 yards downstream of the intersection of SR 1128
- 17 and SR 1129 as marked by a sign on each bank)
- 18 (B) Ashe County:
- 19 Trout Lake
- 20 Helton Creek (Virginia state line to New River)
- 21 South Fork New River (Todd Island Park)
- 22 Big Horse Creek (SR 1324 bridge to North Fork New River)
- 23 (C) Burke County:
- 24 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- 25 (D) Caldwell County:
- 26 Wilson Creek (game lands portion downstream of Lost Cove Creek to Phillips Branch)
- 27 (E) Clay County;
- 28 Fires Creek (USFS Road 340A to the foot bridge in the US Forest Service Fires Creek
- 29 Picnic Area)
- 30 (F) Graham County;
- 31 (Big) Snowbird Creek (USFS foot bridge at the old railroad junction to USFS Road 2579)
- 32 (G) Haywood County:
- 33 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake
- 34 Logan)
- 35 (H) Henderson County:
- 36 North Fork Mills River (~~game land portion below the Hendersonville watershed dam to~~
- 37 the lower game land boundary)

- 1 (I) Jackson County:
 2 Tuckasegee River (downstream NC 107 bridge falls located 275 yards upstream of the
 3 US 23-441 bridge as marked by a sign on each bank)
- 4 (J) Macon County:
 5 Nantahala River (Whiteoak Creek to the Nantahala hydropower discharge canal)
- 6 (K) Madison County.
 7 Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)
 8 Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)
 9 Spring Creek (NC 209 bridge at Hot Springs city limits to iron bridge at end of Andrews
 10 Avenue)
- 11 (L) McDowell County:
 12 Catawba River (portion adjacent to Marion Greenway)
 13 Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep
 14 Branch)
 15 Mill Creek (US70 bridge to I 40 bridge)
- 16 (M) Mitchell County:
 17 Cane Creek (NC 226 bridge to SR 1189 bridge)
 18 North Toe River (US 19E bridge to NC 226 bridge)
- 19 (N) Polk County:
 20 Green River (Fishtop Falls Access Area to confluence with Cove Creek)
- 21 (O) Surry County:
 22 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below
 23 Kapps Mill Dam)
 24 Ararat River (NC 103 bridge to US 52 bridge)
- 25 (P) Transylvania County:
 26 East Fork French Broad River (Glady Fork to French Broad River)
 27 Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- 28 (Q) Watauga County:
 29 ~~Watauga River (adjacent to intersection of SR 1557 and SR 1558 to NC 105 bridge and~~
 30 ~~SR 1114 upper (SR 1114 bridge to NC 194 bridge at Valle Crucis)~~
 31 Watauga River-lower (SR 1103 bridge to confluence with Laurel Creek)
 32 Coffee Lake
- 33 (R) Wilkes County:
 34 East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State
 35 Park lower boundary)
 36 Stone Mountain Creek (from falls at Allegheny County line to confluence with East
 37 Prong)

- 1 Roaring River and Bullhead Creek in Stone Mountain State Park)
- 2 Reddies River (Town of North Wilkesboro water intake dam to confluence with Yadkin
- 3 River)
- 4 Elk Creek – upper (Watauga County line to lower boundary of Blue Ridge Mountain
- 5 Club)
- 6 Elk Creek – lower (portion on Leatherwood Mountains development)
- 7 (6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this
- 8 Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural
- 9 Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are
- 10 fished using only one single hook. The creel limit, size limit, and open season are the same as
- 11 other Wild Trout Waters [see 15A NCAC 10C .0305(a)]:
- 12 (A) Cherokee County:
- 13 Bald Creek (game land portions)
- 14 Dockery Creek (game land portions)
- 15 North Shoal Creek (game land portions)
- 16 (B) Graham County:
- 17 Deep Creek
- 18 Long Creek (game land portion)
- 19 Franks Creek
- 20 (C) Haywood County:
- 21 Hemphill Creek (including tributaries)
- 22 Hurricane Creek (including portions of tributaries on game lands)
- 23 (D) Jackson County:
- 24 Buff Creek
- 25 Chattooga River (SR 1100 bridge to South Carolina state line)
- 26 (lower) Fowler Creek (game land portion)
- 27 Scotsman Creek (game land portion)
- 28 (E) Macon County:
- 29 Chattooga River (SR 1100 bridge to South Carolina state line)
- 30 Jarrett Creek (game land portion)
- 31 Kimsey Creek
- 32 Overflow Creek (game land portion)
- 33 Park Creek
- 34 Tellico Creek (game land portion)
- 35 Turtle Pond Creek (game land portion)
- 36 (F) Madison County:
- 37 Big Creek (headwaters to the lower game land boundary, including tributaries)

1 (G) Transylvania County:
2 North Fork French Broad River (game land portions downstream of SR 1326)
3 Thompson River (SR 1152 to South Carolina state line, except where posted against
4 trespass,
5 including portions of tributaries within this section located on game lands)

6 (7) Special Regulation Trout Waters. Those portions of Designated Public Mountain Trout Waters as
7 listed in this Subparagraph, excluding tributaries as noted, are further classified as Special
8 Regulation Trout Waters. Regulations specific to each water are defined below:

9 Burke County

10 Catawba River (Muddy Creek to City of Morganton water intake dam).

11 Regulation: The daily creel limit is 7 trout and only one of which may be greater than 14
12 inches in length. There are no bait restrictions and no closed season.

13 (b) Fishing in Trout Waters

14 (1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner from
15 designated public mountain trout waters during the closed seasons for trout fishing. The seasons,
16 size limits, creel limits and possession limits apply in all waters, whether designated or not, as
17 public mountain trout waters. Except in power reservoirs and city water supply reservoirs so
18 designated, it is unlawful to fish in designated public mountain trout waters with more than one
19 line. Night fishing is not allowed in most hatchery supported trout waters on game lands [see 15A
20 NCAC 10D .0104(b)(1)].

21 (2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (a)(3), (a)(4), and (a)(6) of
22 this Rule, the following rules apply to fishing in wild trout waters.

23 (A) Open Season. There is a year round open season for the licensed taking of trout.

24 (B) Creel Limit. The daily creel limit is four trout.

25 (C) Size Limit. The minimum size limit is seven inches.

26 (D) Manner of Taking. Only artificial lures having only one single hook may be used. No
27 person shall possess natural bait while fishing wild trout waters except those waters listed
28 in Subparagraph (a)(6) of this Rule.

29 (E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after
30 sunset and one-half hour before sunrise.

31
32 *History Note: Authority G.S. 113-272; 113-292;*
33 *Eff. February 1, 1976;*
34 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
35 *October 1, 1992;*
36 *Temporary Amendment Eff. July 1, 1999;*
37 *Amended Eff. July 1, 2000;*

1 *Temporary Amendment Eff. July 1, 2001;*
2 *Temporary Amendment Eff. July 1, 2002;*
3 *Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);*
4 *Temporary Amendment Eff. June 1, 2003;*
5 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17*
6 *2003);*
7 *Amended Eff. August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May*
8 *1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*
9 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0206

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 15, the acronym "WRC" is used. This term is normally written out. Please write out the full term.

Line 28, move the "August 1, 2014" date up to line 27. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0206 is amended as published in 28:12 NCR 1347 as follows:

2

3 **15A NCAC 10C .0206 TROTLINES AND SET-HOOKS**

4 (a) For purposes of this Rule, the following definitions apply:

5 (1) "set-hook" means any hook and line that is attached at one end only to a stationary or floating
6 object and that is not under immediate control and attendance of the person using the device.

7 (2) "jug-hook" means a single hook and line attached to a float.

8 (3) "untended" means no bait is present on the device.

9 (b) Except as otherwise prohibited in this Rule, trotlines and set-hooks may be set in the inland waters of North
10 Carolina, provided no live bait is used. Trotlines and set-hooks may not be set in any of the impounded waters on the
11 Sandhills Game Land. Trotlines and set-hooks may not be set in any designated public mountain trout waters except
12 impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
13 In Lake Waccamaw, trotlines or set-hooks may be set only from October 1 through April 30.

14 (c) Each trotline, set hook, and jug hook shall bear legible and indelible identification of the user's name and
15 ~~address.~~ address or the user's WRC customer number. Each trotline shall be conspicuously marked at each end and
16 each set-hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is
17 readily discernible by boat operators and swimmers. Trotlines shall be set parallel to the nearest shore in all inland
18 fishing waters unless otherwise prohibited. The number of jug-hooks that may be fished is limited to 70 per boat.
19 All trotlines, throwlines, set-hooks, and jug-hooks shall be fished at least once daily and all fish removed at that
20 time. Untended trotlines, set-hooks, and jug-hooks may be removed from the water by wildlife enforcement officers
21 when located in areas of multiple water use. It is unlawful to use metal cans or glass jugs as floats.

22

23 *History Note: Authority G.S. 113-134; 113-272; 113-292;*

24 *Eff. February 1, 1976;*

25 *Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982;*

26 *Temporary Amendment Eff. July 1, 2002;*

27 *Amended Eff. August 1, 2013; May 1, 2008; June 1, 2005; August 1, 2002*

28 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0217

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

This rule is a newly adopted rule and changes should be tracked, pursuant to this request for technical change, in accordance with 26 NCAC 02C .0405(b).

Line 8, add "an" between "As agent"

Line 10, delete "these" and replace with "the following"

Line 21, provide the statutory authority in numerical order. See 26 NCAC 02C .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0217 is adopted as published in 28:12 NCR 1347 as follows:

2

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

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

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

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

20

21 *History Note: Authority G.S. 113-134; 113-305; 14-159.6*
22 *Effective August 1 ,2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0302

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 9 and 10, the order of the language is confusing. Could the sentence be re-written as follows:

“or by anglers licensed under G.S. 113-272.2(c) as authorized by 15A NCAC 10C .0407.”

Lines 10 thru 12, the new language should be underlined

Line 12, this text does not correctly reflect the text as published in 28:12 NCR 1348. Please correct.

Line 24, move the “August 1, 2014” date up to line 23. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0302 is amended with changes as published in 28:12 NCR 1348 as follows:

2

3 **15A NCAC 10C .0302 MANNER OF TAKING INLAND GAME FISHES**

4 (a) Except as provided in this Rule, it is unlawful for any person to take inland game fishes from any of the waters
 5 of North Carolina by any method other than with hook and line. Landing nets may be used to land fishes caught on
 6 hook and line. Game fishes taken incidental to commercial fishing operations in joint fishing waters or coastal
 7 fishing waters shall be immediately returned to the water unharmed. Game fishes taken incidental to the use
 8 of ~~licensed~~ special devices for taking nongame fishes ~~as authorized in Rule 10C .0402 of this Subchapter or from~~
 9 inland fishing waters as authorized in Rule .0402 of this Subchapter or as authorized by 15A NCAC 10C .0407 by
 10 anglers licensed under G.S. 113-272.2(c) shall be immediately returned to the water unharmed, except that a daily
 11 creel limit of American and hickory shad may be taken with dip nets and bow nets from March 1 through April 30 in
 12 those waters where such gear may be lawfully ~~used except~~ used, and white perch may be taken when captured in a
 13 cast net being used to collect nongame fishes in all impounded waters west of Interstate 95 and in the Tar River
 14 Reservoir (Nash County).

15 (b) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless hook or a lure
 16 with a single barbless hook may be used from 1 April to 30 June. Barbless as used in this Rule, requires that the
 17 hook does not have a barb or the barb is bent down.

18

19 *History Note: Authority G.S. 113-134; 113-273; 113-292; 113-302;*
 20 *Eff. February 1, 1976;*
 21 *Amended Eff. July 1, 1996; October 1, 1994; July 1, 1993; May 1, 1992; January 1, 1982;*
 22 *Temporary Amendment Eff. November 1, 1998;*
 23 *Amended Eff. August 1, 2002; April 1, 1999.*
 24 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0314

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 13 thru 14, why are semicolons used to separate out the water masses? I believe commas make more sense. Consider changing.

Line 19, add a comma after "Norman"

Line 22, add a comma after "Matamuskeet"

Line 28 uses the phrase "shall be possessed" and page 2, line 1 uses the phrase "shall be retained." Is there is a distinction in that language or can it be made consistent?

Line 33, add a comma after "Middle"

Line 36, add a comma after "season"

Line 36, delete the comma after "aggregate" and add an "and"

Page 2, line 6, check the term "rules" against what is currently in the Administrative Code. I do not believe this change needs to be made.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0314 is amended as published in 28:12 NCR 1348 as follows:

2
3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for Striped Bass and its hybrids is eight fish in the aggregate, except in waters identified in
5 Paragraphs (b), (c), (d), (e), (f), (g), (h), (i) and (j) of this Rule. There is no minimum size limit for these fish, but
6 only two of them may be less than 16 inches, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h),
7 (i) and (j) of this Rule. There is no closed season, except for waters identified in Paragraphs (g), (h), (i), (j) and (k)
8 of this Rule.

9 (b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA
10 and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the
11 minimum size limit is 24 inches from October 1 through May 31. From June 1 through September 30, the daily
12 creel limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

13 (c) In the Cape Fear River upstream of Buckhorn Dam; the Deep River to the first impoundment; the Haw River to
14 the first impoundment; B. Everett Jordan Reservoir; Lake Rhodhiss; Lake Hickory; and Lookout Shoals Reservoir,
15 the daily creel limit on Striped Bass and its hybrids is four in the aggregate and the minimum size limit is 20 inches.

16 (d) In Lake Gaston and Roanoke Rapids Reservoir, the daily creel limit on Striped Bass and its hybrids is four in the
17 aggregate. The minimum size limit for these fish is 20 inches from October 1 through May 31. There is no
18 minimum size limit for these fish from June 1 through September 30.

19 (e) In Lake Norman the daily creel limit on Striped Bass and its hybrids is four in the aggregate. ~~The aggregate and~~
20 ~~the minimum size limit for these fish is 16 inches. inches from October 1 through May 31. There is no minimum~~
21 ~~size limit for these fish from June 1 through September 30.~~

22 (f) In Lake Matamuskeet and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the
23 South Carolina state line, the daily creel limit is three fish in the aggregate and the minimum size limit is 18 inches.

24 (g) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending upstream to
25 the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of
26 Interstate 95 not specified in Paragraphs (f), (h), (i) and (j) of this Rule, the daily creel limit for Striped Bass and its
27 hybrids is two fish in the aggregate. The minimum size limit is 18 inches but no Striped Bass or hybrids between
28 the lengths of 22 inches and 27 inches shall be possessed. In these waters, the season for taking and possessing
29 Striped Bass is closed from May 1 through September 30.

30 (h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam, the season
31 for taking and possessing Striped Bass is closed year-round.

32 (i) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the Roanoke River Striped
33 Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the
34 open season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-
35 coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open
36 season the daily creel limit for Striped Bass and its hybrids is two fish in the aggregate, the minimum size limit is 18

1 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit. Only one fish
2 larger than 27 inches may be retained in the daily creel limit.

3 (j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River,
4 Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie
5 River and their tributaries), Striped Bass fishing season, size limits and creel limits are the same as those established
6 by ~~rules~~ Rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

7 (k) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for Striped Bass in
8 the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any
9 proclamation issued under this authority.

10

11 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

12 *Eff. November 1, 2013*

13 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0401

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 13 thru 20, replace commas with semicolons.

Line 19, add an "and" after "above,"

Line 20, please note that "Interstate" is spelled out in this Rule. In other rules, such as Subchapters B and D, the reference is written as "I-95". Please choose a consistent format.

Line 22, add a comma after "Wylie"

Line 34, add a comma after "grabbling"

Page 2, lines 10 thru 11, what does the sentence mean? When you look at 15A NCAC 10E .0103 there are no standards. Are the standards maintained somewhere and should be incorporated into this Rule or 15A NCAC 10E .0103?

Page 2, line 30, move the "August 1, 2014" date up to line 28. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0401 is amended as published in 28:12 NCR 1348 as follows:

2
3 **15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE**

4 (a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing
5 waters of North Carolina in any manner other than with hook and line or grabbling. Nongame fishes may be taken
6 by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following
7 exceptions:

- 8 (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful
9 to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- 10 (2) While boating on or fishing in the following inland fishing waters, no person shall take river
11 herring (alewife and blueback) that are greater than six inches in total length or possess such
12 herring regardless of origin in:
- 13 (A) Roanoke River downstream of Roanoke Rapids Dam,
 - 14 (B) Tar River downstream of Rocky Mount Mill Dam,
 - 15 (C) Neuse River downstream of Milburnie Dam,
 - 16 (D) Cape Fear River downstream of Buckhorn Dam,
 - 17 (E) Pee Dee River downstream of Blewett Falls Dam,
 - 18 (F) Lumber River including Drowning Creek,
 - 19 (G) all the tributaries to the rivers listed above,
 - 20 (H) all other inland fishing waters east of Interstate 95.
- 21 (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman,
22 Mountain Island Reservoir and Reservoir, Lake Wylie, Wylie and John H. Kerr Reservoir, except
23 that one fish per day may be taken by bow and arrow with archery equipment.
- 24 (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game
25 Land or in designated public mountain trout waters.
- 26 (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- 27 (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits and creel limits are
28 the same as those established by Marine Fisheries Commission rule or proclamations issued by the
29 Fisheries Director in adjacent joint or coastal fishing waters.

30 (b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout
31 waters is the same as the trout fishing season.

32 (c) Nongame ~~fishes~~ fishes, except alewife and blueback herring, excluding those less than six inches in length
33 collected from Kerr Reservoir (Granville, Vance, and Warren counties), blue crab, and bowfin, taken by hook and
34 line, grabbling or by licensed special devices may be sold. ~~Eels less than six inches in length may not be taken from~~
35 inland waters for any purpose, sold, with the following exceptions:

- 36 (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr
37 Reservoir (Granville, Vance, and Warren counties);

1 (2) blue crab; and

2 (3) bowfin.

3 (d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded
4 waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. ~~It is~~
5 ~~unlawful to possess more than 200 freshwater mussels.~~ The daily possession limit for freshwater mussels is 200 in
6 the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).

7 (e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property,
8 or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take
9 channel, white, or blue catfish (forked tail catfish) by means other than hook and line; the daily creel limit for forked
10 tail catfish is six fish in aggregate. Waters to which this creel limit applies shall be posted, as specified in 15A
11 NCAC 10E .0103.

12 (f) In Lake Norman and Badin Lake, the daily creel limit for blue catfish greater than 32 inches is one fish.

13 (g) The daily creel limit for American eels taken from inland fishing waters is 25, and the minimum size limit is 9
14 inches.

15

16 *History Note: Authority G.S. 113-134; 113-272; 113-292;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;*

19 *Temporary Amendment Eff. December 1, 1994;*

20 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;*

21 *Temporary Amendment Eff. July 1, 1999;*

22 *Amended Eff. July 1, 2000;*

23 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*

24 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

25 *Temporary Amendment Eff. June 1, 2003;*

26 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
27 *2003);*

28 *Amended Eff. August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May*
29 *1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*

30 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0402

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 23, should the semicolon after "device" be a comma, as it appears as though Subparagraph (10) is one thought and not two separate clauses

Line 29, please note that "Interstate" is spelled out in this Rule. In other rules, such as Subchapters B and D, the reference is written as "I-95". Please choose a consistent format.

Page 2, lines 14, 18, 20, and 22, add colons after the word "County"

Page 3, line 1, move the "August 1, 2014" date up to page 2, line 37. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0402 is amended as published in 28:12 NCR 1349 as follows:

2
3 **15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION**

4 (a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using
5 equipment other than:

- 6 (1) a net of dip net design not greater than six feet across;
- 7 (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw where there is no length
8 limitation) and with a bar mesh measure of not more than one-fourth inch;
- 9 (3) a cast net;
- 10 ~~(4)~~ a gig (except in Public Mountain Trout Waters);
- 11 ~~(5)~~ up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC
12 10C .0407;
- 13 ~~(6)~~ up to two eel pots;
- 14 ~~(7)~~ a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC
15 10C .0407;
- 16 ~~(4)(8)~~ minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings
17 not exceeding one inch in diameter, and that are under the immediate control and attendance of the
18 individual operating them;
- 19 ~~(5)(9)~~ a hand-held line with a single bait attached;
- 20 ~~(6)(10)~~ a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end
21 with a solid float no less than five inches in diameter, bearing legible and indelible identification
22 of the user's name and address, and under the immediate control and attendance of the person
23 using the device; with a limit of one line per person and no more than one line per vessel; or
- 24 ~~(7)(11)~~ a collapsible crab trap with the largest open dimension not greater than 18 inches and that by
25 design is collapsed at all times when in the water, except when it is being retrieved or lowered to
26 the bottom, with a limit of one trap per person.

27 (b) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.

28 (c) Game fishes ~~and their young~~ taken while netting for bait shall be returned unharmed to the ~~water~~ water, except
29 white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal
30 consumption in all impounded waters west of Interstate 95 and in the Tar River Reservoir (Nash County).

31 (d) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal
32 consumption subject to the following restrictions:

- 33 (1) No more than ~~50~~ 25 eels, none of which may be less than ~~six~~ nine inches in length, shall be taken
34 or possessed from inland fishing waters;
- 35 (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and
36 blueback) that are greater than six inches in total length shall be taken and no such river herring
37 shall be possessed regardless of origin:

- 1 (A) Roanoke River downstream of Roanoke Rapids Dam,
- 2 (B) Tar River downstream of Rocky Mount Mill Dam,
- 3 (C) Neuse River downstream of Milburnie Dam,
- 4 (D) Cape Fear River downstream of Buckhorn Dam,
- 5 (E) Pee Dee River downstream of Blewett Falls Dam,
- 6 (F) Lumber River including Drowning Creek,
- 7 (G) the tributaries to the rivers listed above,
- 8 (H) all other inland fishing waters east of Interstate 95.

9 (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace
10 width of five inches (point to point) shall be taken.

11 (e) Any fishes taken for bait purposes are included within the daily possession limit for that species.

12 (f) It is unlawful to take nongame fish for bait or any other fish bait from designated public mountain trout waters
13 and from the bodies of water specified for the following counties:

- 14 (1) Chatham County
- 15 Deep River
- 16 Rocky River
- 17 Bear Creek
- 18 (2) Lee County
- 19 Deep River
- 20 (3) Moore County
- 21 Deep River
- 22 (4) Randolph County
- 23 Deep River below the Coleridge Dam
- 24 Fork Creek

25 (g) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on
26 adjacent shorelines, docks, access ramps and bridge crossings, it is unlawful to transport, possess or release live
27 alewife or live blueback herring.

28
29 *History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;*
32 *Temporary Amendment Eff. July 1, 2001;*
33 *Amended Eff. July 18, 2002;*
34 *Temporary Amendment Eff. June 1, 2003;*
35 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*
36 *17, 2003);*
37 *Amended Eff. August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006.*

1

Amended Eff. August 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0404

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7, since there is a specific reference to a specific section of the Administrative Code, re-write "Commission's Rule in..."

Line 9, add a comma after "drift"

Line 11, 23, 27 thru 28, and 31, is the phrase "special fishing device" or "special device fishing"? The title of the Rule is "special device fishing." Please choose a word order and be consistent.

Line 13, appears as though it should read as follows:

"No anchored, fixed gill, or drift nets shall..."

Lines 14 and 35, delete "which" and replace with "that"

Line 20, and page 2, line 5, what initials should be included along with the last name? Only the first initial, or first and middle initials?

Page 2, line 6, capitalize "rule"

Page 2, line 17, move the "August 1, 2014" date up to page 2, line 16. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10C .0404 is amended as published in 28:12 NCR 1350 as follows:

2
3 **15A NCAC 10C .0404 SPECIAL DEVICE FISHING**

4 (a) ~~Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow Archery equipment. The~~
5 use of archery equipment, as defined in 15A NCAC 10B .0116, as a licensed special device is authorized for taking
6 nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills
7 Game Land and designated public mountain trout waters. Unless prohibited by Marine Fisheries Commission rules
8 in 15A NCAC 03, bow and arrow may be used in joint fishing waters.

9 (b) Nets. Where authorized, manually operated nets, including seines and bow, cast, dip, gill, drift and fyke nets
10 may be used under the special device fishing license. No fixed gill net or other stationary net which may be
11 authorized as a special fishing device may be more than 100 yards in length, nor shall any such net be placed within
12 50 yards of any other fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline. No
13 anchored or fixed gill net or drift net shall be used unless such net is marked for the protection of boat operators. A
14 net shall be deemed so marked when there is attached to it at each end two separate yellow buoys which shall be of
15 solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall be
16 identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the
17 buoys. Such identification shall include one of the following:

- 18 (1) owner's N.C. motor boat registration number;
- 19 (2) owner's U.S. vessel documentation name; or
- 20 (3) owner's last name and initials.

21 It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

22 (c) Traps. Baskets and traps, excluding collapsible crab traps, may be used under the special device fishing license.
23 Such devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and
24 upon which his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in
25 length or 30 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be
26 attached to the trap or used or set within 25 feet of the trap.

27 (d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special fishing
28 device license in the inland waters having a season for their use specified in Rule .0407 of this Section.

29 (e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons owning property adjacent
30 to the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be
31 attached to their property and not subject to special device license requirements.

32 (f) Eel pots. It is unlawful to use pots with mesh sizes smaller than ~~one one-half~~ one-half inch by one-half ~~inch~~ inch ~~unless~~
33 ~~such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one half inch~~
34 ~~located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots.~~
35 Each pot must be marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material
36 and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except

1 yellow. The owner shall be identified on the attached buoy by using engraved buoys or by engraved metal or plastic
2 tags attached to the buoy. Such identification shall include one of the following:

- 3 (1) owner's N.C. motorboat registration number;
- 4 (2) owner's U.S. vessel documentation name; or
- 5 (3) owner's last name and initials.

6 (g) Hand-crank electrofisher. For the purposes of this rule, a hand-crank electrofisher is any manually-operated
7 device which is capable of generating a low voltage electrical current not exceeding 300 volts for the taking of
8 catfish. Hand-crank electrofishers may be used only where authorized by local law and only in those waters
9 specified in 15A NCAC 10C .0407.

10

11 *History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1,*
14 *1993;*

15 *Temporary Amendment Effective July 1, 2001;*

16 *Amended Eff. August 1, 2012; May 1, 2008; May 1, 2007; August 1, 2004; July 18, 2002.*

17 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0102

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, add a comma after "trapping"

Line 32, since there are multiple zones, should the "restricted zone" be plural? Add an "s" to "zone."

Line 32, add a comma after "meeting"

Line 33, is the term "official" necessary before "Commission"? It seems unnecessary and I am uncertain when a meeting would be unofficial? Change the "an" to an "a" after deletion of "official."

Page 2, line 25, Subparagraph (2) is not properly returned to a separate line. Please fix and track in accordance with 26 NCAC 02C .0405(b).

Page 2, line 26, add a colon after "Exceptions"

Page 2, lines 27, 29, 30, and 32, begin the lines with lowercase letters

Page 2, lines 28, 29, and 31, end the lines with semicolons

Page 2, line 31, add an "or" at the end of the line

Page 2, line 37, add a comma after "scout"

Page 3, lines 3 and line 11 contain the same locations in different order. For consistency, please list in the same order on both lines

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

Page 3, line 3, it appears as though "Commissions" should reflect possession of the agent, so add an "s". Who is the agent and how is this information known to the general public? The Rule should contain contact information or at least create a cross reference.

Page 3, line 13, consider replacing "approval so obtained" with "approved use"

Page 3, line 23, add a comma after "Wednesday"

Page 3, lines 24 and 26, add a space between "I-95except"

Page 5, line 7 delete "North Carolina" as this not normally used for the agency name

Page 5, line 7, add an "s" to Commission to show possession of the "biologist"

Page 6, line 18, add a comma after "post"

Page 7, line 11, move the "August 1, 2014" date up to page 7, line 9. See 26 NCAC 02 .0108(8).

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

1 15A NCAC 10D .0102 is amended with changes as published in 28:12 NCR 1356 as follows:

2
3 **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

4 (a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the
5 landowner. The Wildlife Resources Commission has identified the following areas on game lands that have
6 additional restrictions on entry or usage:

- 7 (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow
8 and arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open
9 days of any applicable deer season.
- 10 (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No
11 person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety
12 zone on any game land. Falconry is exempt from this provision.
- 13 (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the
14 use of centerfire rifles is prohibited.
- 15 (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the
16 general public, and entry upon such an area for any purpose is prohibited without first having
17 obtained written approval of such entry or use from an authorized agent of the Wildlife Resources
18 Commission. Entry shall be authorized only when such entry will not compromise the primary
19 purpose for establishing the Restricted Zone and the person or persons requesting entry can
20 demonstrate a valid need or such person is a contractor or agent of the Commission conducting
21 official business. "Valid need" includes issues of access to private property, scientific
22 investigations, surveys, or other access to conduct activities in the public interest.
- 23 (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are
24 closed to all use by the general public, and entry upon such an area for any purpose is prohibited
25 without first having obtained written approval of such entry or use from an authorized agent of the
26 Wildlife Resources Commission. An area of a game land shall be declared a Temporary
27 Restricted Zone when there is a danger to the health or welfare of the public due to topographical
28 features or activities occurring on the area.
- 29 (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the
30 discharge of firearms or bow and arrow is prohibited.

31 The Commission shall conduct a public input meeting in the area where the game land is located before establishing
32 any archery, restricted firearms or restricted zone. After the input meeting the public comments shall be presented
33 to an official Commission meeting for final determination.

34 (b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land
35 except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No
36 garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county
37 or municipality, except as permitted by the landowner.

1 (c) Use of weapons. No person shall discharge:

- 2 (1) any weapon within 150 yards of any game land building or designated game land camping area,
3 except where posted otherwise;
- 4 (2) any weapon within 150 yards of any residence located on or adjacent to game lands, except on
5 Butner-Falls of Neuse and Jordan game lands; and
- 6 (3) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and
7 Jordan Game Lands.

8 No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any
9 posted waterfowl impoundment on any game land, except shotgun shells containing lead buckshot may be used
10 while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in
11 G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Buckhorn, Butner-
12 Falls of Neuse, Chatham, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Sutton Lake, and Vance game lands and Pee
13 Dee River Game Land north of U.S 74, and that portion of R. Wayne Bailey- Caswell Game Land that is located
14 north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed
15 hunting days for game birds or game animals, except under the following conditions:

- 16 (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length
17 and shooting only short, long, or long rifle ammunition carried as a side arm;
- 18 (2) the firearm is cased or not immediately available for use;
- 19 (3) the firearm is used by persons participating in field trials on field trial areas; or
- 20 (4) the firearm is possessed in designated camping areas for defense of persons and property.

21 (d) Game Lands License: Hunting and Trapping

- 22 (1) Requirement. Except as provided in Subparagraph (2) of this Paragraph, any person entering upon
23 any game land for the purpose of hunting, trapping, or participating in dog training or field trial
24 activities shall have in his possession a game lands license in addition to the appropriate hunting
25 or trapping licenses. A field trial participant is defined as a judge, handler, scout or owner. (2)

26 Exceptions

- 27 (A) A person under 16 years of age may hunt on game lands on the license of his parent or
28 legal guardian.
- 29 (B) The resident and nonresident sportsman's licenses include game lands use privileges.
- 30 (C) Judges and nonresidents participating in field trials under the circumstances set forth in
31 Paragraph (e) of this Rule may do so without the game lands license.
- 32 (D) On the game lands described in Rule .0103(e)(1) of this Section, the game lands license is
33 required only for hunting doves; all other activities are subject to the control of the
34 landowners.

35 (e) Field Trials and Training Dogs. A person serving as judge of a field trial that, pursuant to a written request from
36 the sponsoring organization, has been authorized in writing and scheduled for occurrence on a game land by an
37 authorized representative of the Wildlife Resources Commission, and any nonresident handler, scout or owner

1 participating therein may participate without procuring a game lands license, provided such nonresident has in his
2 possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a
3 field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the Commissions
4 agent an application to use the area and facility accompanied by the facility use fee computed at the rate of two
5 hundred dollars (\$200.00) for each scheduled day of the trial. The total facility use fee shall cover the period from
6 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last
7 scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials
8 are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) per day shall be
9 charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person
10 or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the
11 Laurinburg Fox Trial or the Sandhills Field Trial grounds without first having obtained written approval of such
12 entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such
13 facility shall exceed the scope of or continue beyond the approval so obtained. The Sandhills Field Trial facilities
14 shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than
15 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no
16 more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than
17 four days may be scheduled during one week upon reduction of the maximum number of days allowable during
18 some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North
19 Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22
20 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the
21 Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at
22 any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained
23 only on Mondays, Wednesdays and Saturdays from October 1 through April 1. Dogs may not be trained or
24 permitted to run unleashed from April 1 through August 15 on any game land located west of I-95 except when
25 participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted
26 to run unleashed from March 15 through June 15 on any game land located east of I-95 except when participating in
27 field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95
28 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be
29 trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field
30 trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or
31 field trial facilities and the applying organization can demonstrate their experience and expertise in conducting
32 genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be
33 granted when they do not conflict with other planned activities previously approved by the Commission and they do
34 not conflict with the primary goals of the agency.

35 (f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302 and .0303, trapping of
36 furbearing animals is permitted on game lands during the applicable open seasons, except that trapping is prohibited:

- 37 (1) on the field trial course of the Sandhills Game Land;

- 1 (2) in posted "safety zones" located on any game land;
- 2 (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south,
- 3 US 276 on the north and east, and NC 215 on the west;
- 4 (4) on the John's River Waterfowl Refuge in Burke County; and
- 5 (5) on the Dupont State Forest Game Lands.

6 On those areas of state-owned land known collectively as the Roanoke River Wetlands controlled trapping is
7 allowed under a permit system.

8 (g) Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads
9 constructed, maintained and opened for vehicular travel and those trails posted for vehicular travel, unless such
10 person:

- 11 (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game
12 Land; or
- 13 (2) is a disabled sportsman as defined in Paragraph (j) of this Rule or holds a Disabled Access
14 Program Permit as described in Paragraph (m) of this Rule and is abiding by the rules described in
15 Paragraph (m).

16 (h) Camping. No person shall camp on any game land except on an area designated by the landowner for camping.

17 (i) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

18 (j) Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the
19 Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran
20 Sportsman license, a Totally Disabled Sportsman license or a disabled sportsman hunt certification issued by the
21 Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or
22 more of the following disabilities:

- 23 (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- 24 (2) paralysis of one or more limbs;
- 25 (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and
26 lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- 27 (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- 28 (5) deafness.

29 On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may
30 operate electric wheel chairs, all terrain vehicles or other passenger vehicles:

- 31 (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- 32 (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular
33 travel.

34 Each program participant may be accompanied by one companion provided such companion has in his possession
35 the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and
36 their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-

1 permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game
2 Land.

3 (k) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds,
4 domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes,
5 or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move
6 wild fish from one stream to another on game lands without prior written authorization. Written authorization shall
7 be given when release of such animals is determined by a North Carolina Wildlife Resources Commission biologist
8 not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs
9 and goals of the Wildlife Resources Commission.

10 (l) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use
11 on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (j) of this
12 Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but
13 must comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans
14 with Disabilities Act, may use wheelchairs or other mobility devices designed for indoor pedestrian use on any area
15 where foot travel is allowed.

16 (m) Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted
17 by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the
18 game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric
19 wheel chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for
20 vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to
21 vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners
22 have agreed to such use. Those game lands, or parts thereof, where this Paragraph applies are designated in the
23 game land rules and map book. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or
24 trails planted to wildlife food or cover. One companion, who is identified by a companion card issued to each
25 qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is at all
26 times in visual or verbal contact with the disabled person. The companion may participate in all lawful activities
27 while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled
28 person for access to game lands under this provision shall display the vehicular access permit issued by the Wildlife
29 Resources Commission in the passenger area of the vehicle where it can easily be seen by Commission staff outside
30 the vehicle. It is unlawful for anyone other than disabled persons as defined in Paragraph (j) of this Rule and those
31 holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind
32 designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

33 (n) Public nudity. Public nudity, including nude sunbathing, is prohibited on any Game Land, including land or
34 water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully
35 opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the
36 areola while in a public place.

1 (o) Definitions: For the purpose of this Subchapter "Permanent Hunting Blind" is defined as any structure that is
 2 used for hunter concealment, constructed from man made or natural materials, and that is not disassembled and
 3 removed at the end of each day's hunt.

4 (p) Shooting Ranges. On ~~state-owned game lands,~~ public shooting ranges managed by the Commission, no person
 5 shall use designated shooting ranges for any purpose other than for firearm or bow and arrow marksmanship,
 6 development of shooting skills or for other safe uses of firearms and archery equipment. All other uses, including
 7 camping, building fires, operating concessions or other activities not directly involved with recreational or
 8 competitive shooting are prohibited, except that activities that have been approved by the Commission and for which
 9 a permit has been issued may be conducted, provided that the permit authorizing such activity is available for
 10 inspection by wildlife enforcement officers at the time the activity is taking place. No person, when using any
 11 shooting range, shall deposit any debris or refuse on the grounds of the range. This includes any items used as
 12 targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No
 13 person shall shoot any items made of glass on the grounds of the range. No person may leave any vehicle or other
 14 obstruction in such a location or position that it will prevent, impede or inconvenience the use by other persons of
 15 any shooting range. No person shall leave parked any vehicle or other object at any place on the shooting range
 16 other than such a place or zone as is designated as an authorized parking zone and posted or marked as such. No
 17 person shall handle any firearms or bow and arrow on a shooting range in a careless or reckless manner. No person
 18 shall intentionally shoot into any target holder, post or other permanent fixture or structure while using a shooting
 19 range. No person shall shoot a firearm in a manner that would cause any rifled or smoothbore projectiles to travel
 20 off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents
 21 no risk of harm or injury to any person(s). Persons using a shooting range must obey posted range safety rules and
 22 those persons who violate range safety rules or create a public safety hazard must leave the shooting range if
 23 directed to by law enforcement officers or Commission employees. No person shall handle any firearms on a
 24 shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic
 25 beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at
 26 least one of such signs will be posted at the entrance to each shooting range. ~~Shooting ranges are open from sunrise~~
 27 ~~to sunset on Monday through Saturday. Firearms shall be unloaded and cased when being transported to the~~
 28 ~~shooting range while on Game Lands.~~ No person, when using any shooting range, shall do any act which is
 29 prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this
 30 Rule for the purpose of regulating the use of the area.

31 (q) Limited-access Roads. During the months of June, July and August, roads posted as "Limited-access Roads" are
 32 open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and
 33 closing times.

34
 35 *History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*
 36 *Eff. February 1, 1976;*
 37 *Amended Eff. July 1, 1993; April 1, 1992;*

1 *Temporary Amendment Eff. October 11, 1993;*
2 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*
3 *Temporary Amendment Eff. July 1, 1999;*
4 *Amended Eff. July 1, 2000;*
5 *Temporary Amendment Eff. August 31, 2001;*
6 *Amended Eff. August 1, 2002;*
7 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July*
8 *17, 2003);*
9 *Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May*
10 *1, 2008; May 1, 2007; May 1, 2006; November 1, 2005.*
11 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0103

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10, add a comma after "bolt"

Line 11, delete "left"

Line 31 thru 32, and line 35, consider re-writing as follows:

"Saturdays, Thanksgiving Day, Christmas Day, and New Year's Day"

Line 37, "either-sex" is hyphenated here, but not other places in the rules. Please correct for consistency. A review of the General Assembly's website seems to indicate that the term should not be hyphenated.

Page 2, line 11, is the reference to 15A NCAC 10B .0109 correct, as that rule discusses deer and not bears or bear sanctuaries?

Page 2, line 13, add a comma after "Rowan"

Page 2, line 30, add a comma after "Martin"

Page 3, lines 14 and 36, the phrase "deer with visible antlers" is not capitalized. This is inconsistent from other use of the phrase in this Rule. Please correct.

Page 4, line 16, add a semicolon after "Days" Please note that on December 10, 2012, you requested a waiver from the Codifier of Rules for a few lists. I would request that you consider breaking out these dates in a similar format:

- (i) Tuesday, Thursday, and Saturdays;*
- (ii) Christmas, New Year's, and Martin Luther King, Jr. Days; and*
- (iii) on the opening and closing days of the applicable waterfowl seasons.*

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, March 28, 2014

Please see an example of the list on page 7 and consider using this in the following places:

page 4, lines 15 thru 17; page 9, lines 25 thru 27; page 11, lines 1 thru 3; page 12, lines 25 thru 27;

Page 5, line 19 discusses obtaining a “game lands license prior to engaging in such activity.” What is this application process and is the information known to the general public? The Rule should contain contact information or at least create a cross reference.

Page 5, line 22, add a space in “SR1746”

Page 5, line 23, add a space in “NC62”

Page 6, line 4, add a semicolon after “August”

Page 7, line 6, add a comma after “Year’s”

Page 7, line 19, should the term “Game Land” be capitalized in this sentence? It did not appear to be normally capitalized.

Page 8, line 20, add a comma after “Year’s”

Page 8, line 25, add a comma after “Creek”

Page 9, lines 14 and 37, add a comma after “Year’s”

Page 9, line 21, add a comma after “Harnett”

Page 9, line 32, this text does not correctly reflect the text as published in 28:12 NCR 1359. Please correct.

Page 10, lines 7 and 8, it appears as though text is not properly moved or located. Please correct.

Page 10, line 25 states “Permit Area Only.” Page 15, line 14; and page 17, line 27; and page 18, line 35 states “is by permit only.” The concept seems the same. For consistency, pick one phrase and use in all locations.

Page 10, line 29, add a comma after “31”

Page 10, line 33, add a comma after “Orange”

Page 14, line 10, add a comma after “Richmond”

Page 16, line 13, add a comma after “raccoon”

Page 17, line 23, add a comma after “Wednesday”

Page 18, line 21, add a comma after “Year’s”

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, March 28, 2014

Page 19, line 27, add a comma after “Montgomery”

Page 20, line 13, add a comma after “Year’s”

Page 20, lines 18 thru 21, begin each clause with a lowercase letter

Page 20, lines 34 thru 37; and page 21, lines 1 thru 2, replace the commas with semicolons. Also, please replace the long dash with a single dash with a space on both sides

Page 22, line 1, move the “August 1, 2014” date up to page 21, line 35. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10D .0103 is amended with changes as published in 28:12 NCR 1359 as follows:

2
3 **15A NCAC 10D .0103 HUNTING ON GAME LANDS**

4 (a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of
5 alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the
6 use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

7 (b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or
8 gates, or otherwise prevent vehicles from using any roadway.

9 (c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached
10 by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition does not apply to lag-
11 screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

12 (d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals
13 and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to
14 hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game
15 animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- 16 (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- 17 (2) not hunt after 1:00 p.m. on such hunting dates;
- 18 (3) not set decoys out prior to 4:00 a.m.;
- 19 (4) remove decoys by 3:00 p.m. each day; and
- 20 (5) not operate any vessel or vehicle powered by an internal combustion engine.

21 On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and
22 waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the
23 impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any
24 bird or animal taken by severing the head or any other part thereof, or possess any bird or animal that has been so
25 mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without
26 prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made
27 based on the best management practices for the wildlife species in question. No person shall take or attempt to take
28 any game birds or game animals attracted to such foods.

29 (e) Definitions:

- 30 (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be
31 taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving,
32 Christmas and New Year's Days within the federally-announced season.
- 33 (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any
34 game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,
35 Saturdays and Thanksgiving, Christmas and New Year's Days, except for game lands in this Rule
36 that specifically allow hunting on Tuesdays, Thursday and Fridays. Falconry may also be
37 practiced on Sundays. These "open days" also apply to either-sex hunting seasons listed under

1 each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until
2 7:00 a.m. on Thursdays, and until midnight on Saturdays.

3 (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any
4 game may be taken during the open seasons.

5 (f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or
6 parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

7 (g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas bears shall not be taken on
8 lands designated and posted as bear sanctuaries except when authorized by permit only elsewhere in this Chapter.
9 Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run
10 unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the
11 counties and parts of counties described in 15A NCAC 10B .0109.

12 (h) The listed seasons and restrictions apply in the following game lands:

13 (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties

14 (A) Six Days per Week Area

15 (B) Deer of either sex may be taken the first six open days and the last six open days of the
16 applicable Deer With Visible Antlers Season in that portion in Montgomery county and
17 deer of either sex may be taken all the open days of the applicable Deer With Visible
18 Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.

19 (C) On the Lick Creek Tract, deer and bear hunting is archery only.

20 (2) Alligator River Game Land in Tyrrell County

21 (A) Six Day per Week Area

22 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
23 Antlers Season.

24 (C) Bear may only be taken the first three hunting days during the November Bear Season
25 and the first three hunting days during the second week of the December Bear Season.

26 (3) Angola Bay Game Land in Duplin and Pender counties

27 (A) Six Days per Week Area

28 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
29 Antlers Season.

30 (4) Bachelor Bay Game Land in Bertie, Martin and Washington counties

31 (A) Six Days per Week Area

32 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
33 Antlers Season.

34 (5) Bertie County Game Land in Bertie County

35 (A) Six Days per Week Area

36 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
37 Antlers Season.

- 1 (6) Bladen Lakes State Forest Game Land in Bladen County
2 (A) Three Days per Week Area
3 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
4 Antlers Season.
5 (C) Except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used.
6 (D) On the Singletary Lake Tract the use of dogs for hunting deer and bear ~~may be taken only~~
7 ~~by still hunting is prohibited.~~
8 (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
9 (F) Camping is restricted to September 1 through the last day of February and March
10 31through May 14 in areas both designated and posted as camping areas.
- 11 (7) Brinkleyville Game Land in Halifax County
12 (A) Six Days per Week Area
13 (B) Deer of either sex may be taken the first six open days and the last six open days of the
14 applicable deer with visible antlers season.
15 (C) Horseback riding is prohibited.
- 16 (8) Brunswick County Game Land in Brunswick County
17 (A) Hunting is by permit only.
18 (B) The use of dogs for hunting deer is prohibited.
- 19 (9) Buckhorn Game Land in Orange County
20 (A) Hunting is by permit only.
21 (B) Horseback riding is prohibited.
- 22 (10) Buckridge Game Land in Tyrrell County.
23 (A) Three Days per Week Area
24 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
25 Antlers Season.
26 (C) Bear may only be taken the first three hunting days during the November Bear Season
27 and the first three hunting days of the second week of the December Bear Season. If any
28 of these days falls on a Tuesday, Friday or Saturday, bear hunting is allowed on those
29 days.
- 30 (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
31 (A) Six Days per Week Area
32 (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the
33 Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may
34 be taken with bow and arrow on open days beginning the Monday on or nearest
35 September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to
36 the Saturday before Thanksgiving and during the deer with visible antlers season. Deer
37 may be taken with muzzle-loading firearms on open days beginning the Monday on or

- 1 nearest October 1 through the Saturday of the second week thereafter, and during the
 2 Deer With Visible Antlers season.
- 3 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
 4 Antlers Season.
- 5 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and
 6 all horseback riding is prohibited from September 1 through May 15.
- 7 (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- 8 (A) Three Days per Week Area
- 9 (B) Deer of either sex may be taken the first six open days and the last six open days of the
 10 applicable Deer With Visible Antlers Season.
- 11 (13) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken the first six open days and the last six open days of the
 14 applicable Deer With Visible Antlers Season.
- 15 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas, New
 16 Year's and Martin Luther King, Jr. Days and on the opening and closing days of the
 17 applicable waterfowl seasons. On the posted waterfowl impoundments a special permit
 18 is required for all waterfowl hunting after November 1.
- 19 (D) Horseback riding is prohibited.
- 20 (E) Target shooting is prohibited
- 21 (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- 22 (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of
 23 Falls Lake.
- 24 (H) The use of bicycles is restricted to designated areas, except that this restriction does not
 25 apply to hunters engaged in the act of hunting during the open days of the applicable
 26 seasons for game birds and game animals.
- 27 (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are
 28 limited to September 1 through the last day of February and March 31 through May 14.
- 29 (J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area
 30 and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited
 31 in this camping area.
- 32 (14) Buxton Woods Game Land in Dare County:
- 33 (A) Six Days per Week Area.
- 34 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
 35 Antlers Season.
- 36 (15) Cape Fear River Wetlands Game Land in Pender County
- 37 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
2 Antlers Season.
- 3 (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
- 4 (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west
5 of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road
6 and south of NC 210 to the Black River.
- 7 (16) Carteret County Game Land in Carteret County
- 8 (A) Six Days per Week Area
- 9 (B) Deer of either sex may be taken the first six open days and the last six open days of the
10 applicable Deer With Visible Antlers Season.
- 11 (C) The use of dogs for hunting deer is prohibited.
- 12 (17) R. Wayne Bailey-Caswell Game Land in Caswell County
- 13 (A) Three Days per Week Area
- 14 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
15 Visible Antlers Season.
- 16 (C) Horseback riding is allowed only during June, July, and August and on Sundays during
17 the remainder of the year except during open turkey and deer seasons. Horseback riding
18 is allowed only on roads opened to vehicular traffic. Participants must obtain a game
19 lands license prior to engaging in such activity.
- 20 (D) The area encompassed by the following roads is permit-only for all quail and woodcock
21 hunting and all bird dog training: From Yanceyville south on NC 62 to the intersection
22 of SR 1746, west on SR1746 to the intersection of SR 1156, south on SR 1156 to the
23 intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC62 to
24 the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR
25 1730 to NC 86, north on NC 86 to NC 62.
- 26 (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after
27 November 1.
- 28 (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are
29 limited to September 1 through the last day of February and March 31 through May 14.
- 30 (18) Catawba Game Land in Catawba County
- 31 (A) Three Days per Week Area
- 32 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
33 Antlers Season.
- 34 (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- 35 (19) Chatham Game Land in Chatham County
- 36 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken the first six open days and the last six open days of the
2 applicable Deer With Visible Antlers Season.
- 3 (C) Wild turkey hunting is by permit only.
- 4 (D) Horseback riding is allowed only during June, July, and August and on Sundays during
5 the remainder of the year except during open turkey and deer seasons.
- 6 (E) Target shooting is prohibited.
- 7 (20) Cherokee Game Land in Ashe County
- 8 (A) Six Days per Week Area
- 9 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
10 Visible Antlers Season.
- 11 (21) Chowan Game Land in Chowan County
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers
14 Season.
- 15 (22) Chowan Swamp Game Land in Bertie, Gates and Hertford counties.
- 16 (A) Six Days per Week Area
- 17 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
18 Antlers Season.
- 19 (C) Bear hunting is restricted to the first three hunting days during the November bear season
20 and the first three hunting days during the second week of the December bear season
21 except that portion of Chowan Swamp Game Land in Gates County that is east of
22 Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine
23 Creek and the Chowan River where the bear season is the same as the season dates for
24 the Gates County bear season.
- 25 (D) Camping is restricted to September 1 through the last day of February and March 31
26 through May 14 in areas both designated and posted as camping areas.
- 27 (23) Cold Mountain Game Land in Haywood County
- 28 (A) Six Days per Week Area
- 29 (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and
30 all horseback riding is prohibited from September 1 through May 15.
- 31 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
32 Antlers Season.
- 33 (24) Columbus County Game Land in Columbus County.
- 34 (A) Three Days per Week Area
- 35 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
36 Antlers Season.
- 37 (25) Croatan Game Land in Carteret, Craven and Jones counties

- 1 (A) Six Days per Week Area
2 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
3 Antlers Season.
4 (C) Waterfowl shall be taken only on the following days:
5 (i) the opening and closing days of the applicable waterfowl seasons;
6 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
7 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
8 (D) Beginning on the first open waterfowl day in October through the end of the waterfowl
9 season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish
10 Lake Waterfowl Impoundment is by permit only.
11 (E) Dove hunting is by permit only for the first two open days of dove season on posted
12 areas. During the rest of dove season, no permit is required to hunt doves.
- 13 (26) Currituck Banks Game Land in Currituck County
14 (A) Six Days per Week Area
15 (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by
16 permit only from November 1 through the end of the waterfowl season.
17 (C) Licensed hunting guides may accompany the permitted individual or party provided the
18 guides do not use a firearm.
19 (D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or
20 shoreline.
21 (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day
22 of their hunt.
23 (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand
24 or blind to a tree.
25 (G) Deer of either sex may be taken all the days of the applicable deer with visible antlers
26 season.
- 27 (27) Dare Game Land in Dare County
28 (A) Six Days per Week Area
29 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
30 Visible Antlers Season.
31 (C) No hunting is allowed on posted parts of bombing range.
32 (D) The use and training of dogs is prohibited from March 1 through June 30.
- 33 (28) Dover Bay Game Land in Craven County
34 (A) Six Days per Week Area
35 (B) Deer of either sex may be taken all the days of the applicable deer with visible antlers
36 season.
- 37 (29) Dupont State Forest Game Lands in Henderson and Transylvania counties

- 1 (A) Hunting is by Permit only.
- 2 (B) The training and use of dogs for hunting is prohibited except by special hunt permit
- 3 holders during scheduled permit hunts.
- 4 (30) Elk Knob Game Land in Watauga County
- 5 (A) Six Days per Week Area
- 6 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
- 7 Visible Antlers Season.
- 8 (31) Embro Game Land in Halifax and Warren counties
- 9 (A) Six Days per Week Area
- 10 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 11 applicable Deer With Visible Antlers Season.
- 12 (C) Horseback riding is prohibited.
- 13 (32) Goose Creek Game Land in Beaufort and Pamlico counties
- 14 (A) Six Days per Week Area
- 15 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 16 Antlers Season.
- 17 (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl
- 18 impoundments shall be taken only on the following days:
- 19 (i) the opening and closing days of the applicable waterfowl seasons;
- 20 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- 21 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 22 (D) Beginning on the first open waterfowl season day in October and through the end of the
- 23 waterfowl season, waterfowl hunting is by permit only on the following waterfowl
- 24 impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith
- 25 Creek and Hobucken.
- 26 (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except
- 27 waterfowl hunting on designated waterfowl hunting days and trapping during the
- 28 trapping season, are restricted to the posted Scouting-only Zone during the period
- 29 November 1 through March 15.
- 30 (F) Camping is restricted to September 1 through the last day of February and March 31
- 31 through May 14 in areas both designated and posted as camping areas.
- 32 (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 ~~to~~
- 33 ~~the end of February~~ through January 1 and April 1 through ~~to~~ May 15 to individuals that
- 34 possess a valid hunting opportunity permit.
- 35 (33) Green River Game Land in Henderson, and Polk counties
- 36 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
- 2 Antlers Season.
- 3 (C) Horseback riding is prohibited.
- 4 (34) Green Swamp Game Land in Brunswick County
- 5 (A) Six Days per Week Area
- 6 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 7 Antlers Season.
- 8 (35) Gull Rock Game Land in Hyde County
- 9 (A) Six Days per Week Area
- 10 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 11 Antlers Season.
- 12 (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
- 13 (i) the opening and closing days of the applicable waterfowl seasons; and
- 14 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- 15 (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- 16 (D) Camping is restricted to September 1 through the last day of February and March 31
- 17 through May 14 in areas both designated and posted as camping areas.
- 18 (E) Bear may only be taken the first three hunting days during the November Bear Season
- 19 and the first three hunting days during the second week of the December Bear Season,
- 20 except for that portion designated as bear sanctuary.
- 21 (36) Harris Game Land in Chatham, Harnett and Wake counties
- 22 (A) Six Days per Week Area
- 23 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 24 applicable Deer With Visible Antlers Season.
- 25 (C) Waterfowl shall be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving,
- 26 Christmas and New Year's Days; and on the opening and closing days of the applicable
- 27 waterfowl seasons.
- 28 (D) The use or construction of permanent hunting blinds shall be prohibited.
- 29 (E) Wild turkey hunting is by permit only.
- 30 (F) Target shooting is prohibited.
- 31 (37) Holly Shelter Game Land in Pender County
- 32 (A) **Three** Days per Week Area.
- 33 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 34 Antlers Season.
- 35 (C) Waterfowl may be taken only on the following days:
- 36 (i) the opening and closing days of the applicable waterfowl seasons;
- 37 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and

- 1 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 2 (D) Camping is restricted to September 1 through the last day of February and March
- 3 31 through May 14 in areas both designated and posted as camping areas.
- 4 (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east
- 5 of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and
- 6 bear hunting are permit only.
- 7 (F) The use of dogs for hunting deer and bear is ~~prohibited~~ prohibited;
- 8 ~~(i) all open days~~ on that portion of the game land that is south of Baby Branch
- 9 extending west to Stag Park Road, west of Shaw Road, north of Meeks Road
- 10 extending west to Stag Park Road and east of Stag Park Road. ~~Road; and~~
- 11 ~~(ii) on Tuesdays, Thursdays and Fridays, except for the area north of Bear Garden~~
- 12 ~~Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear~~
- 13 ~~River, south of NC 53 and west of NC 50, where the use of dogs for deer and~~
- 14 ~~bear hunting is by permit only.~~
- 15 (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the
- 16 last day of February and April 1 to May 15 to individuals that possess valid hunting
- 17 opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- 18 (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on
- 19 and within 100 yards of trails designated for Disabled Sportsman Access.
- 20 (38) Hyco Game land in Person County
- 21 (A) Six Days per Week Area
- 22 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 23 applicable Deer With Visible Antlers Season.
- 24 (C) Target shooting is prohibited.
- 25 (39) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- 26 (40) Johns River Game Land in Burke County
- 27 (A) Hunting is by permit only.
- 28 (B) During permitted deer hunts deer of either-sex may be taken by permit holders.
- 29 (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31
- 30 except by lawful waterfowl hunting permit holders and only on those days written on the
- 31 permits.
- 32 (D) The use or construction of permanent hunting blinds is prohibited.
- 33 (41) Jordan Game Land in Chatham, Durham, Orange and Wake counties
- 34 (A) Six Days per Week Area
- 35 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 36 Antlers Season.

- 1 (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving,
2 Christmas and New Year's Days; and on the opening and closing days of the applicable
3 waterfowl seasons.
- 4 (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail
5 and other areas posted for equestrian use. Unless otherwise posted, horseback riding is
6 permitted on posted portions of the American Tobacco Trail anytime the trail is open for
7 use. On all other trails posted for equestrian use, horseback riding is allowed only during
8 June, July and August, and on Sundays the remainder of the year except during open
9 turkey and deer seasons.
- 10 (E) Target shooting is prohibited.
- 11 (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- 12 (G) The use of bicycles is restricted to designated areas, except that this restriction does not
13 apply to hunters engaged in the act of hunting during the open days of the applicable
14 seasons for game birds and game animals.
- 15 (42) Juniper Creek Game Land in Brunswick and Columbus counties
- 16 (A) Six Days per Week Area
- 17 (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers
18 Season.
- 19 (C) Camping is restricted to September 1 through the last day of February and March 31
20 through May 14 in areas both designated and posted as camping areas.
- 21 (43) Kerr Scott Game Land in Wilkes County
- 22 (A) Six Days per Week Area
- 23 (B) Use of centerfire rifles is prohibited.
- 24 (C) Use of muzzleloaders, shotguns, or rifles for hunting deer during the applicable Deer
25 With Visible Antlers Season is prohibited.
- 26 (D) Tree stands shall not be left overnight and no screws, nails, or other objects penetrating
27 the bark shall be used to attach a tree stand or blind to a tree.
- 28 (E) Deer of either sex may be taken on all open days of the applicable deer with visible
29 antlers season.
- 30 (F) Hunting on posted waterfowl impoundments is by permit only.
- 31 (G) The use of firearms for hunting wild turkey is prohibited.
- 32 (44) Lantern Acres Game Land in Tyrrell and Washington counties
- 33 (A) Six Days per Week Area
- 34 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
35 Antlers Season.
- 36 (C) Wild turkey hunting is by permit only.
- 37 (D) The use of dogs for hunting deer on the Godley Tract is prohibited.

- 1 (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- 2 (45) Lee Game Land in Lee County
- 3 (A) Six Days per Week Area
- 4 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 5 applicable Deer With Visible Antlers Season.
- 6 (C) Target shooting is prohibited.
- 7 (46) Light Ground Pocosin Game Land in Pamlico County
- 8 (A) Six Days per Week Area
- 9 (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible
- 10 Antlers Season.
- 11 (47) Linwood Game Land in Davidson County
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken on all of the open days of the applicable Deer With
- 14 Visible Antlers Season.
- 15 (48) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
- 16 (A) Six Days per Week Area
- 17 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 18 applicable Deer With Visible Antlers Season.
- 19 (C) Horseback riding is prohibited.
- 20 (D) The use of dogs for hunting deer is prohibited.
- 21 (49) Mayo Game Land in Person County
- 22 (A) Six Days per Week Area
- 23 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 24 applicable Deer With Visible Antlers Season.
- 25 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas and
- 26 New Year's Days, and on the opening and closing days of the applicable waterfowl
- 27 seasons.
- 28 (D) Target shooting is prohibited.
- 29 (50) Mitchell River Game Land in Surry County
- 30 (A) Three Days per Week Area
- 31 (B) Deer of either sex may be taken the last six days of the applicable Deer with Visible
- 32 Antlers Season.
- 33 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
- 34 all horseback riding is prohibited from September 1 through May 15.
- 35 (51) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania
- 36 counties
- 37 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
2 Antlers Season in that portion located in Transylvania County.
- 3 (52) Needmore Game Land in Macon and Swain counties.
- 4 (A) Six Days per Week Area
- 5 (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and
6 all horseback riding is prohibited from September 1 through May 15.
- 7 (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- 8 (53) Neuse River Game Land in Craven County
- 9 (A) Six Days per Week Area
- 10 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
11 Antlers Season.
- 12 (54) New Lake Game Land in Hyde and Tyrrell counties
- 13 (A) Six Days per Week Area
- 14 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
15 Antlers Season.
- 16 (55) Nicholson Creek Game Land in Hoke County
- 17 (A) Three Days per Week Area
- 18 (B) Deer of either sex may be taken with bow and arrow on open hunting days from the
19 Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
- 20 (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days
21 beginning the fourth Saturday before Thanksgiving through the Wednesday of the second
22 week thereafter.
- 23 (D) The Deer With Visible Antlers season consists of the open hunting days from the second
24 Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- 25 (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible
26 Antlers Season.
- 27 (F) The use of dogs for hunting deer is prohibited.
- 28 (G) Wild turkey hunting is by permit only.
- 29 (H) On Lake Upchurch, the following activities are prohibited:
- 30 (i) No person shall operate any vessel or vehicle powered by an internal
31 combustion engine; and
- 32 (ii) Swimming.
- 33 (56) North River Game Land in Camden and Currituck counties
- 34 (A) Six Days per Week Area
- 35 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
36 Antlers Season.

- 1 (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or
2 shoreline.
- 3 (D) Hunting on the posted waterfowl impoundment is by permit only.
- 4 (57) Northwest River Marsh Game Land in Currituck County
- 5 (A) Six Days per Week Area
- 6 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
7 Antlers Season.
- 8 (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or
9 shoreline.
- 10 (58) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
- 11 (A) Six Days per Week Area
- 12 (B) Deer of either sex may be taken the first six open days and the last six open days of the
13 applicable Deer With Visible Antlers Season.
- 14 (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties
15 North of US-74.
- 16 (D) Target shooting is prohibited.
- 17 (59) Perkins Game Land in Davie County
- 18 (A) Three Days per Week Area
- 19 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
20 Antlers Season.
- 21 (C) Horseback riding is prohibited from November 1 through January 1.
- 22 (60) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison,
23 McDowell, Mitchell, Transylvania, Watauga and Yancey counties
- 24 (A) Six Days per Week Area
- 25 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
26 Antlers Season.
- 27 (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River
28 (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 29 (61) Pond Mountain Game Land in Ashe County
- 30 (A) Six Days per Week Area
- 31 (B) Deer of either sex may be taken the last six open days of the applicable Deer with Visible
32 Antlers Season.
- 33 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
34 all horseback riding is prohibited from September 1 through May 15.
- 35 (D) Deer and bear hunting is by permit only.
- 36 (62) Pungo River Game Land in Hyde County
- 37 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
2 Antlers Season.
- 3 (63) Rhodes Pond Game Land in Cumberland and Harnett counties
4 (A) Hunting is by permit only.
5 (B) Swimming is prohibited on the area.
- 6 (64) Roanoke River Wetlands in Bertie, Halifax, Martin and Northampton counties
7 (A) Hunting is by Permit only.
8 (B) Vehicles are prohibited on roads or trails except those operated on Commission business
9 or by permit holders.
10 (C) Camping is restricted to September 1 through the last day of February and March
11 31 through May 14 in areas both designated and posted as camping areas, provided,
12 however, that camping is allowed at any time within 100 yards of the Roanoke River on
13 the state-owned portion of the game land.
- 14 (65) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- 15 (66) Robeson Game Land in Robeson County
16 (A) Three Days per Week Area
17 (B) Deer of either sex may be taken the first six open days and the last six open days of the
18 applicable Deer With Visible Antlers Season.
- 19 (67) Rockfish Creek Game Land in Hoke County
20 (A) Three Days per Week Area
21 (B) Deer of either sex may be taken with bow and arrow on open hunting days from the
22 Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
23 (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days
24 beginning the fourth Saturday before Thanksgiving through the Wednesday of the second
25 week thereafter.
26 (D) The Deer With Visible Antlers season consists of the open hunting days from the second
27 Saturday before Thanksgiving through the third Saturday after Thanksgiving.
28 (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible
29 Antlers Season.
30 (F) The use of dogs for hunting deer is prohibited.
31 (G) Wild turkey hunting is by permit only.
32 (H) Taking fox squirrels is prohibited.
- 33 (68) Rocky Run Game Land in Onslow County: Hunting is by permit only.
- 34 (69) Sampson Game Land in Sampson County
35 (A) Three Days per Week Area
36 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
37 Antlers Season.

- 1 (70) Sandhills Game Land in Hoke, Moore, Richmond and Scotland counties
2 (A) Three Days per Week Area
3 (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22
4 through March 31 except as follows:
5 (i) deer may be taken with archery equipment on all the open days of the bow-and-
6 arrow season through the fourth Friday before Thanksgiving; with legal
7 muzzleloading firearms and archery equipment all the open days of the
8 muzzleloader season through the second Saturday before Thanksgiving; and with
9 all legal weapons from the second Monday before Thanksgiving through the
10 Saturday following Thanksgiving;
11 (ii) dove may be taken all open days from the opening day of the dove season
12 through the third Saturday thereafter;
13 (iii) opossum, raccoon and squirrel (gray and fox) may be taken all the open days
14 from second Monday before Thanksgiving through the Saturday following
15 Thanksgiving;
16 (iv) rabbit may be taken all open days from the second Saturday preceding
17 Thanksgiving through the Saturday following Thanksgiving;
18 (v) waterfowl may be taken on open days during any waterfowl season; and
19 (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen
20 Program Permit Hunt.
21 (C) The Deer With Visible Antlers season is the open hunting days from the second Saturday
22 before Thanksgiving through the third Saturday after Thanksgiving except on the J.
23 Robert Gordon Field Trial Grounds.
24 (D) The bow-and-arrow season is all open days from the Saturday on or nearest to Sept. 10 to
25 the fourth Friday before Thanksgiving and, except on the J. Robert Gordon Field Trial
26 Grounds, the third Monday after Thanksgiving through January 1. Deer may be taken
27 with archery equipment on all open hunting days during the bow and arrow season, the
28 Deer with Visible antlers season, and the muzzleloader season as stated in this
29 Subparagraph.
30 (E) Muzzleloader season is all the open days from the fourth Saturday preceding
31 Thanksgiving through the Wednesday of the second week thereafter and, except on the J.
32 Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through
33 January 1. Deer may be taken with muzzle-loading firearms on all open hunting days
34 during the muzzleloader season and the Deer With Visible Antlers season.
35 (F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.
36 (G) In addition to the regular hunting days, waterfowl may be taken on the opening and
37 closing days of the applicable waterfowl seasons.

- 1 (H) Wild turkey hunting is by permit only.
- 2 (I) The following areas are permit-only for all quail and woodcock hunting and dog training
- 3 on birds:
- 4 (i) In Richmond County: that part east of US 1;
- 5 (ii) In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane
- 6 and that part east of SR 1328 and north of Scotland Lake Lane.
- 7 (J) Horseback riding on field trial grounds from October 22 through March 31 is prohibited
- 8 unless riding in authorized field trials.
- 9 (K) Camping and the presence of campers and tents in designated Hunter Camping Areas are
- 10 limited to September 1 through the last day of February and March 31 through May 14.
- 11 (71) Sandy Creek Game Land in Nash and Franklin Counties
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 14 applicable Deer With Visible Antlers Season.
- 15 (C) Horseback riding is prohibited.
- 16 (D) The use of dogs for hunting deer is prohibited.
- 17 (72) Sandy Mush Game Land in Buncombe and Madison counties.
- 18 (A) Three Days per Week Area
- 19 (B) Deer of either sex may be taken the last open day of the applicable Deer with Visible
- 20 Antlers season.
- 21 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
- 22 all horseback riding is prohibited from September 1 through May 15.
- 23 (D) Dogs shall only be trained on Mondays, Wednesdays and Saturdays and only as allowed
- 24 in 15A NCAC 10D .0102(e).
- 25 (E) Dove hunting is by permit only from the opening day through the second Saturday of
- 26 dove season.
- 27 (73) Second Creek Game Land in Rowan County- hunting is by permit only.
- 28 (74) Shocco Creek Game Land in Franklin, Halifax, Nash and Warren counties
- 29 (A) Six Days per Week Area
- 30 (B) Deer of either sex may be taken the first six open days and the last six open days of the
- 31 applicable Deer With Visible Antlers Season.
- 32 (C) Horseback riding is prohibited.
- 33 (75) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
- 34 (A) Six Days per Week Area
- 35 (B) The Deer With Visible Antlers season consists of the open hunting days from the
- 36 Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may
- 37 be taken with bow and arrow on open days beginning the Monday on or nearest

- 1 September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to
 2 the Saturday before Thanksgiving and during the Deer With Visible Antlers season. Deer
 3 may be taken with muzzle-loading firearms on open days beginning the Monday on or
 4 nearest October 1 through the Saturday of the second week thereafter, and during the
 5 Deer With Visible Antlers season.
- 6 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
 7 Antlers Season.
- 8 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and
 9 all horseback riding is prohibited from September 1 through May 15.
- 10 (E) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford
 11 counties is closed to all grouse, quail and woodcock hunting and all bird dog training.
- 12 (76) Stones Creek Game Land in Onslow County
- 13 (A) Six-Day per Week Area.
- 14 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
 15 Antlers Season.
- 16 (C) The use of dogs for hunting deer is prohibited on Mondays, Wednesday and
 17 Fridays. [Saturdays.]
- 18 ~~(D)~~ Swimming in all lakes is prohibited.
- 19 ~~(E)~~ Waterfowl on posted waterfowl impoundments may be taken only on the following days:
 20 (i) the opening and closing days of the applicable waterfowl seasons;
 21 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
 22 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 23 (77) Suggs Mill Pond Game Land in Bladen and Cumberland counties
- 24 (A) Hunting and trapping is by Permit only.
- 25 (B) Camping is restricted to September 1 through the last day of February and March 31
 26 through May 14 in areas both designated and posted as camping areas.
- 27 (C) Entry is prohibited on scheduled hunt or trapping days except for:
 28 (i) hunters or trappers holding special hunt or trapping permits; and
 29 (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- 30 (78) Sutton Lake Game Land in New Hanover and Brunswick counties
- 31 (A) Six Days per Week Area
- 32 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
 33 Visible Antlers Season.
- 34 (C) Target shooting is prohibited.
- 35 (79) Tar River Game Land in Edgecombe County – hunting is by permit only.
- 36 (80) Three Top Mountain Game Land in Ashe County
- 37 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
 2 Visible Antlers Season.
- 3 (C) Horseback riding is prohibited.
- 4 (81) Thurmond Chatham Game Land in Alleghany and Wilkes counties
- 5 (A) Six Days per Week Area
- 6 (B) Deer of either sex may be taken the first six open days and the last six open days of the
 7 applicable Deer With Visible Antlers Season.
- 8 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
 9 all horseback riding is prohibited from September 1 through May 15. Participants must
 10 obtain a game lands license prior to horseback riding on this area.
- 11 (D) The maximum period of consecutive overnight camping at any designated campground is
 12 14 days within any 30 day period from May 1 through August 31. After 14 consecutive
 13 days of camping all personal belongings must be removed from the game land.
- 14 (82) Tillery game Land in Halifax County
- 15 (A) Six Days per Week Area
- 16 (B) Deer of either sex may be taken the first six open days and the last six open days of the
 17 applicable Deer With Visible Antlers Season.
- 18 (C) Horseback riding is prohibited.
- 19 (D) The use of dogs for hunting deer is prohibited.
- 20 (E) Wild turkey hunting is by permit only.
- 21 (83) Toxaway Game Land in Jackson and Transylvania counties
- 22 (A) Six Days per Week Area
- 23 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
 24 Antlers Season.
- 25 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
 26 all horseback riding is prohibited from September 1 through May 15.
- 27 (84) Uwharrie Game Land in Davidson, Montgomery and Randolph counties
- 28 (A) Six Days per Week Area
- 29 (B) Deer of either sex may be taken the first six open days and the last open six days of the
 30 applicable Deer With Visible Antlers Season.
- 31 (85) Vance Game Land in Vance County
- 32 (A) Six Days per Week Area
- 33 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
 34 Antlers Season.
- 35 (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the
 36 Nutbush Peninsula tract.
- 37 (86) Van Swamp Game Land in Beaufort and Washington counties

- 1 (A) Six Days per Week Area
- 2 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 3 Antlers Season.
- 4 (C) Bear may only be taken the first three hunting days during the November Bear Season
- 5 and the first three hunting days during the second week of the December Bear Season.
- 6 (87) White Oak River Game Land in Onslow County
- 7 (A) Three Days per Week Area
- 8 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
- 9 Antlers Season.
- 10 (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl
- 11 impoundments shall be taken only on the following days:
- 12 (i) the opening and closing days of the applicable waterfowl seasons;
- 13 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- 14 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 15 (D) Beginning on the first open waterfowl season day in October and through the end of the
- 16 waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- 17 (E) The Huggins Tract and Morton Tracts have the following restrictions:
- 18 (i) Access on Hargett Avenue and Sloan Farm Road requires a valid Hunting
- 19 Opportunity Permit;
- 20 (ii) Hunting is by permit only; and
- 21 (iii) The use of dogs for hunting deer is prohibited.
- 22 (F) Wild turkey hunting is by permit only.
- 23 (88) Whitehall Plantation Game Land in Bladen County
- 24 (A) Hunting and trapping is by permit only.
- 25 (B) Camping is restricted to September 1 through the last day of February and March 31
- 26 through May 14 in areas both designated and posted as camping areas.
- 27 (i) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed
- 28 applications must be received by the Commission not later than the first day of September next preceding the dates
- 29 of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt,
- 30 and are nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator
- 31 agent or by phone.
- 32 (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a
- 33 valid and current permit from the Wildlife Resources Commission:
- 34 (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands,
- 35 (2) Bertie County—Roanoke River National Wildlife Refuge,
- 36 (3) Bladen County—Suggs Mill Pond Game Lands,
- 37 (4) Burke County—John's River Waterfowl Refuge,

1 (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting),

2 (6) Dare County—Roanoke Sound Marshes Game Lands, and

3 (7) Henderson and Transylvania counties—Dupont State Forest Game Lands.

4 (k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the
 5 Commission. Written permission will be granted only when entry onto the Waterfowl Refuge will not compromise
 6 the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid
 7 need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes
 8 issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the
 9 public interest.

10 (l) Free-ranging swine may be taken by licensed hunters during the open season for any game animal using any
 11 legal manner of take allowed during those seasons. Dogs may not be used to hunt free-ranging swine except on
 12 game lands that allow the use of dogs for hunting deer or bear and during the applicable deer or bear season.

13 (m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt
 14 on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where
 15 prohibited in Paragraph (h) of this Rule.

16 (n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for
 17 participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during
 18 the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited
 19 weapon choice, the allowed weapons shall be stated on each permit.

20 (o) As used in this Rule, horseback riding includes all equine species.

21 (p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days
 22 fall on Sundays, the open waterfowl hunting day shall be the following day.

23
 24 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
 25 *Eff. February 1, 1976;*
 26 *Temporary Amendment Eff. October 3, 1991;*
 27 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995;*
 28 *September 1, 1994; July 1, 1994;*
 29 *Temporary Amendment Eff. October 1, 1999; July 1, 1999;*
 30 *Amended Eff. July 1, 2000;*
 31 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
 32 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
 33 *Temporary Amendment Eff. June 1, 2003;*
 34 *Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*
 35 *Amended Eff. January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009;*
 36 *May 1, 2008; May 1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006;*
 37 *June 1, 2005; October 1, 2004.*

1

Amended Eff. August 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0104

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8, add a comma after "arrow"

Line 23, delete "and" before "Big Laurel"

Line 25, add a comma after "Pond"

Line 34, add a comma after "Swain"

Line 36, add a comma after "Transylvania"

Page 2, line 19, move the "August 1, 2014" date up to page 2, line 18. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10D .0104 is amended as published in 28:12 NCR 1371 as follows:

2
3 **15A NCAC 10D .0104 FISHING ON GAME LANDS**

4 (a) Generally. Except as otherwise indicated herein, fishing on game lands which are open to fishing shall be in
5 accordance with the statewide rules. All game lands are open to public fishing except restocked ponds when posted
6 against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of
7 private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig,
8 bow and arrow or other special fishing device of a type mentioned in 15A NCAC 10C .0404(b)(c)(d) and (f) may be
9 used in any impounded waters located entirely on game lands. Bow and arrow may be used to take nongame fishes
10 in impounded waters located entirely on game lands with the exception of those waters mentioned in 15A NCAC
11 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments
12 located on game lands must have a minimum carapace width of five inches (point to point) and the daily possession
13 limit is 50 per person and 100 per vessel.

14 (b) Designated Public Mountain Trout Waters

15 (1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land
16 and in all waters on the Dupont State Forest Game Land from one-half hour after sunset to one-
17 half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C
18 .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of
19 the Nantahala River located downstream from the Swain County line, and in the sections of Green
20 River in Polk County located on Green River Game Lands from Cove Creek downstream to the
21 natural gas pipeline crossing.

22 (2) Location. All waters located on the game lands listed in this Subparagraph are designated public
23 mountain trout waters except Cherokee Lake, Grogan Creek, and Big Laurel Creek downstream
24 from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville
25 Reservoir to the Tennessee state line, Nolichucky River, Mill Ridge Pond Cheoah River
26 downstream of Santeetlah Reservoir, Little River from 100 yards downstream of Hooker Falls
27 downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake
28 Julia, Fawn Lake, ~~the portion of West Fork Pigeon River below Lake Logan,~~ North Fork Catawba
29 River downstream of the mouth of Armstrong Creek, Green River downstream of the natural gas
30 pipeline crossing, and Spring Creek below US Forest Service road 223.

31 Dupont State Forest Game Lands in Henderson and Transylvania counties.

32 Three Top Mountain Game Land in Ashe County.

33 Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon,
34 Swain and Transylvania counties.

35 Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood,
36 Henderson, Madison, McDowell, Mitchell, Transylvania and Yancey counties.

37 Thurmond Chatham Game Land in Wilkes County.

1 Toxaway Game Land in Transylvania County.
2 South Mountains Game Land in Cleveland and Rutherford counties.
3 Cold Mountain Game Land in Haywood County.
4 Green River Game Land in Henderson and Polk counties.

5 (3) All designated public mountain trout waters located on the game lands listed in Subparagraph
6 (b)(2) of this Rule are wild trout waters unless classified otherwise. [See 15A NCAC 10C
7 .0205(a)(1)].

8 (c) Ponds. In all game lands ponds, it is unlawful to take channel, white or blue catfish (forked tail catfish) by
9 means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

10
11 *History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;*
12 *Eff. February 1, 1976;*
13 *Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
14 *July 1, 1992;*
15 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
16 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
17 *Temporary Amendment Eff. June 1, 2003;*
18 *Amended Eff. August 1, 2010; May 1, 2009; August 1, 2004.*
19 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0102

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 2, lines 5 and 31, and page 3, line 3, add a comma after "75A-34"

Page 2, line 13, add a comma after "fee"

Page 2, line 14, the phrase "as appropriate" seems ambiguous. Delete the "which" and consider re-writing as follows:

"number that may be used..."

Page 2, line 35, and page 3, line 6, the phrase "if applicable" seems ambiguous. Is there a time when it is not applicable? Please provide factors or delete.

Page 2, line 14, move the "August 1, 2014" date up to page 2, line 12. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0102 is amended as published in 28:12 NCR 1373 as follows:

2
3 **15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER**

4 (a) General. Every owner applying for a certificate of number or certificate of title of a vessel required to be
5 numbered pursuant to G.S. 75A-4 and 75A-7 or required to be titled pursuant to G.S. 75A-34 and 75A-35 shall
6 apply to the North Carolina Wildlife Resources Commission or to one of its Wildlife Service Agents for a certificate
7 of number or certificate of title using an application provided by the Wildlife Resources Commission. The
8 application shall contain the following information:

- 9 (1) name of owner(s);
- 10 (2) address, telephone number, date of birth, and North Carolina driver license number of owner(s);
- 11 (3) present or previous certificate of number (if any);
- 12 (4) desired period of certificate of number (one or three years);
- 13 (5) primary use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing,
14 other commercial, other);
- 15 (6) model of vessel (if known);
- 16 (7) manufacturer if known;
- 17 (8) year of manufacture or model year (if known);
- 18 (9) manufacturer's hull identification number (if any);
- 19 (10) overall length of vessel in feet and inches;
- 20 (11) type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other);
- 21 (12) hull material (wood, metal, fiberglass, inflatable, plastic, other);
- 22 (13) type of propulsion (inboard; outboard; inboard-outdrive; jet drive; sail; auxiliary sail/inboard;
23 auxiliary sail/outboard, other);
- 24 (14) type of fuel (gasoline, diesel, electric, other);
- 25 (15) proof of ownership document;
- 26 (16) signature of owner(s);
- 27 (17) make of motor (if over 25 horsepower), serial number, purchase price of motor;
- 28 (18) lien holder name, address, and telephone number;
- 29 (19) effective lien date; ~~and~~
- 30 (20) county where vessel is ~~taxed~~, taxed; and
- 31 (21) status of United States Coast Guard documentation.

32 (b) Application for certificate of number and certificate of title. The owner(s) shall complete and submit an
33 application for a certificate of number, along with the proof of ownership document and applicable fees to the
34 Wildlife Resources Commission or one of its authorized agents for processing within 15 days of the date of sale. A
35 new certificate of number shall be issued for new or never before registered vessels. For a period of 60 days
36 following the date of sale, the new owner may use a copy of the proof of ownership document, provided it contains
37 the date of sale, as a temporary certificate of number pending receipt of the original certificate. If the vessel is ~~over~~

1 4 feet or longer or is a personal watercraft, then a Certificate of Title for Vessel shall be issued, including
2 recordation of any liens listed on the application.

3 (c) Livery Vessel Owners. A "livery" vessel is one that is rented or leased to an individual for a specific time
4 period by the owners(s). The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7,
5 75A-34 and 75A-35 apply to livery vessels. Upon receipt of a completed application, a copy of the lease or rental
6 agreement form and fee, the Wildlife Resources Commission shall issue to the applicant a certificate of number and
7 certificate of title, if applicable.

8 (d) Dealers and Manufacturers of Vessels. A "manufacturer" as the term is used in this Rule is defined as a person,
9 firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the
10 purpose of selling them after manufacture. A "dealer" as the term is used in this Rule is defined as a person, firm, or
11 corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location(s).
12 The certificate of numbering requirements of G.S. 75A-4 and 75A-7 apply to vessels belonging to dealers and
13 manufacturers. Upon receipt of a completed application and fee the Wildlife Resources Commission shall issue to
14 the applicant a certificate of number, as appropriate, which may be used in connection with the operation of any
15 vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and
16 manufacturer certificate of numbers shall not be transferred. A new certificate of number shall be issued upon
17 transfer. Demonstration vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer.
18 Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration
19 and testing purposes shall be individually registered in the name of the dealer or manufacturer in accordance with
20 Paragraph (a) of this Rule. Additional dealer's or manufacturer's certificates of number may be obtained by making
21 application in the same manner as prescribed for the initial certificate with payment of an additional fee for each
22 additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a)
23 of this Section.

24 (e) Government Agency Vessels. The certificate of numbering requirements of G.S. 75A-4 and 75A-7 apply to
25 vessels belonging to state or local government agencies. Upon receipt of a completed application from a state or
26 local government agency, the Wildlife Resources Commission shall issue to the applicant a permanent certificate of
27 number. There is no fee for a permanent state or local government agency certificate of number and the certificate is
28 valid until the vessel is transferred to another government agency, an individual, business, or dealer. Government
29 agency registered vessels shall not be titled.

30 (f) Commercial Fishing Vessel. The certificate of numbering and certificate of titling requirements of G.S. 75A-4,
31 75A-7, 75A-34 and 75A-35 apply to commercial fishing vessels. The standard application for a certificate of
32 number shall be used for commercial fishing vessels with the term "commercial fishing" marked in the section
33 designated for "primary use." Upon receipt of a completed application, proof of ownership document, and fee, as
34 provided for in G.S. 75A-3 and 75A-5, the Wildlife Resources Commission shall issue to the applicant a certificate
35 of number and certificate of title, if applicable. ~~The vessel owner shall pay for the first certificate of number.~~
36 ~~Subsequent renewals, for a period of one year, are free for a period of one year provided the owner~~
37 ~~provides proof of a valid Commercial Fishing Vessel Registration, Registration when applying to the Wildlife~~

1 ~~Resources Commission for a renewal certificate of number. A valid Commercial Fishing Vessel Registration is one~~
2 ~~that has been issued by the Division of Marine Fisheries.~~

3 (g) Commercial Passenger Vessel. The certificate of numbering requirements of G.S. 75A-4, 75A-7, 75A-34 and
4 75A-35 apply to commercial passenger vessels. Upon receipt of a completed application, proof of ownership
5 document, and fee, the Wildlife Resources Commission shall issue to the applicant a certificate of number and
6 certificate of title, if applicable.

7
8 *History Note: Legislative Objection Lodged Eff. December 16, 1980;*
9 *Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection;*
12 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; November 1, 1993; August 1, 1988; July*
13 *1, 1988; August 31, 1980.*
14 *Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0103

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 8, 9, 15, 30, and 31, and page 2, line 4, should the term "certificate of title" be capitalized? Is this the name of an actual document?

Page 2, lines 5 and 30, and page 3, line 20, delete the comma after "fees"

Page 3, line 16, this portion references model and year. What about length for this portion of the rule?

Page 4, line 1, move the "August 1, 2014" date up to page 3, line 36. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0103 is proposed for amendment as follows:

2
3 **15A NCAC 10F .0103 TRANSFER OF OWNERSHIP**

4 (a) Transfer of previously registered and titled vessels.

5 (1) Transfer of previously registered and titled vessels from one individual owner(s) to another.

6 (A) When the ownership of a titled vessel is transferred, the owner(s) listed on the face of the
7 Certificate of Title for Vessel shall complete the Assignment of Title section on the
8 reverse side of the certificate of title and surrender the title to the new owner(s). All
9 outstanding liens shall be satisfied before the certificate of title is surrendered to the new
10 owners(s). If the ownership of a titled vessel is transferred by court order, will,
11 settlement agreement, separation agreement, judgment or other document and the original
12 title is not available, the previous owner(s) or estate representative shall provide the new
13 owner(s) with documents establishing ownership.

14 (B) The new owner(s) shall submit an application for a certificate of number and certificate
15 of title, along with the properly assigned certificate of title and applicable fees to the
16 Wildlife Resources Commission or one of its authorized agents for processing within 15
17 days of the date of sale. The new owner(s) shall indicate on the application whether or
18 not any liens exist on the vessel. If applicable, a new Certificate of Title for Vessel shall
19 be issued, including recordation of any new liens listed on the application. The original
20 certificate of number shall be retained when a vessel, previously registered in North
21 Carolina, is transferred to a new owner. A new certificate of number shall be issued to
22 vessels previously registered in another state or to vessels never before registered.

23 (C) For 60 days following the transfer of ownership of a previously titled vessel, the new
24 owner may use a copy of the properly assigned certificate of title as a temporary
25 certificate of number pending receipt of his own certificate provided the certificate is
26 validated in accordance with Part (b)(1)(A) of this Rule.

27 (2) Transfer of previously registered and titled vessels through a dealer.

28 (A) When the ownership of a titled vessel is transferred to a dealer, the owner(s) listed on the
29 face of the Certificate of Title for Vessel shall complete the Assignment of Title section
30 on the reverse side of the certificate of title and surrender the title to the dealer. All
31 outstanding liens shall be satisfied before the certificate of title is surrendered to the
32 dealer.

33 (B) When the vessel is subsequently sold, the dealer shall, on the day of the sale, provide the
34 new owner(s) the original certificate of title completed by the previous owner(s) and a
35 Dealer Bill of sale. The Dealer's Bill of Sale shall include the dealer's name, the name of
36 the new owner(s), the date of sale, certificate of number, manufacturer's hull

1 identification number, model, year, and length of the vessel. The Dealer's Bill of Sale
 2 shall be signed by both the dealer and the new owner(s).

3 (C) The new owner(s) shall complete and submit the standard application for a certificate of
 4 number and certificate of title, along with the properly assigned certificate of title, Dealer
 5 Bill of Sale, and applicable fees, to the Wildlife Resources Commission or one of its
 6 authorized agents for processing within 15 days of the date of sale. If applicable, a new
 7 Certificate of Title for Vessel shall be issued, including recordation of any new liens
 8 listed on the application. The original certificate of number shall be retained when a
 9 vessel, previously registered in North Carolina, is transferred to a new owner(s). A new
 10 certificate of number shall be issued to vessels previously registered in another state or
 11 vessels never before registered.

12 (D) For a period of 60 days following the transfer of ownership of a previously registered
 13 vessel, the new owner may use a copy of the Dealer's Bill of Sale as a temporary
 14 certificate of number pending receipt of his own certificate provided the certificate is
 15 validated in accordance with Part (b)(1)(A) of this Rule.

16 (b) Transfer of previously registered, non-titled vessels.

17 (1) Transfer of a previously registered, non-titled vessel from one individual owner to another.

18 (A) If the ownership of a previously registered vessel is transferred, by sale or gift, the
 19 previous owner(s) shall complete a notarized bill of sale. The bill of sale shall be given to
 20 the new owner and shall include the previous owner's name, the new owner's name, the
 21 date of sale or gift, certificate of number, manufacturer's hull identification number,
 22 model, year, and length of the vessel. The previous owner's signature shall be
 23 notarized. ~~An individual may also use the Statement of Transfer form provided with~~
 24 ~~some certificates of numbers. The statement shall be completed by the previous owner~~
 25 ~~and given to the new owner at the time of sale or gift.~~ If the ownership of a previously
 26 registered vessel is transferred by a court order, will, settlement agreement, separation
 27 agreement, judgment or other document, the previous owner(s) or representative of the
 28 estate shall provide the new owner(s) with documents establishing ownership.

29 (B) The new owner shall complete and submit an application for a certificate of number and
 30 certificate of title, along with the proof of ownership document and applicable fees, to the
 31 Wildlife Resources Commission or one of its authorized agents for processing within 15
 32 days of the date of sale or gift. If applicable, a new Certificate of Title for Vessel shall be
 33 issued, including recordation of any new liens listed on the application. The original
 34 certificate of number shall be retained when a vessel previously registered in North
 35 Carolina is transferred to a new owner. A new certificate of number shall be issued to
 36 vessels previously registered in another State or to vessels never before registered.

- 1 (C) For 60 days following the transfer of ownership of a previously registered vessel, the new
 2 owner may use a copy of the proof of ownership document, provided it contains the date
 3 of sale, as a temporary certificate of number pending receipt of his own certificate
 4 provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
- 5 (2) Transfer of a previously registered, non-titled vessel through a dealer.
- 6 (A) The owner(s) selling or transferring a previously registered vessel to a dealer shall
 7 complete a notarized bill of sale naming the dealer as the new owner. The bill of sale
 8 shall be given to the dealer and shall include the previous owner's name, date of sale,
 9 certificate of number, manufacturer's hull identification number, model, year, and length
 10 of the vessel. The signature of the previous owner(s) shall be notarized. ~~An individual
 11 may also use the Statement of Transfer form provided with some certificates of numbers.
 12 The statement shall be completed by the previous owners(s) and given to the dealer.~~
- 13 (B) When the vessel is subsequently sold, the dealer shall, on the day of the sale, provide the
 14 new owner(s) a dealer bill of sale. The dealer's bill of sale shall include the dealer's
 15 name, the new owner(s) name, the date of sale, certificate of number, manufacturer's hull
 16 identification number, model and year of the vessel. The dealer's bill of sale shall be
 17 signed by both the dealer and the new owner(s).
- 18 (C) The new owner(s) shall complete and submit the standard application for a certificate of
 19 number and certificate of title, along with the proof of ownership document and
 20 applicable fees, to the Wildlife Resources Commission or one of its authorized agents for
 21 processing within 15 days of the date of sale. If applicable, a new Certificate of Title for
 22 Vessel shall be issued, including recordation of any new liens listed on the application.
 23 The original certificate of number shall be retained when a vessel, previously registered
 24 in North Carolina, is transferred to a new owner(s). A new certificate of number shall be
 25 issued to vessels previously registered in another state or vessels never before registered.
- 26 (D) For a period of 60 days following the transfer of ownership of a previously registered
 27 vessel, the new owner may use a copy of the dealer's bill of sale as a temporary certificate
 28 of number pending receipt of his own certificate provided the certificate is validated in
 29 accordance with Part (b)(1)(A) of this Rule.
- 30 (3) Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been
 31 individually numbered by dealers or manufacturers shall upon transfer of ownership be governed
 32 by the provisions of Subparagraph (b)(1) of this Rule.
- 33

34 *History Note: Authority G.S. 75A-3; 75A-5; 75A-19; 75A-37; 33 C.F.R. 174.21;*
 35 *Eff. February 1, 1976;*
 36 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; February 1, 1995; November 1, 1993;*
 37 *July 1, 1988; April 19, 1981.*

1

Amended Eff. August 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0106

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 thru 5, consider re-writing the sentence as follows:

“for which the number was issued in a position that is visible and legible for identification”

Line 7, delete “which will contrast” and replace with “that contrasts”

Line 7, delete “so” “as” and define or delete “clearly”

Line 18, add a comma after “business”

Line 26, move the “August 1, 2014” date up to line 25. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0106 is amended as published in 28:12 NCR 1376 as follows:

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15A NCAC 10F .0106 DISPLAY OF VESSEL NUMBERS

(a) The vessel numbers shall be painted on or attached to each side of the forward half of the vessel for which issued in such a position as to provide clear visibility and legibility for identification. The numbers shall read from left to right and shall be in block characters not less than three inches in height. The numbers shall be of a solid color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background.

(b) No other number, except the year date of the validation decal described in Rule .0107 of this Section, shall be carried on the bow of such vessel.

(c) Manufacturers or dealers may have the number awarded to them printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel being demonstrated, so long as the display meets the requirements of the Rules in this Section. Where a currently or previously-numbered vessel is being demonstrated with a set of dealer's numbers, the permanent numbers painted on or attached to the bow shall be covered.

(d) A vessel registered to a governmental entity and bearing the letter "P" shall continue to display the assigned numbers for so long as the vessel belongs to a governmental entity. Upon transfer of ownership to a private individual(s) or business the new owner shall apply to the Wildlife Resources Commission for a new certificate of number and shall be assigned a new certificate of number.

(e) A United States Coast Guard documented vessel registered in North Carolina shall not display the state vessel numbers.

*History Note: Authority G.S. 75A-3; 75A-5; 75A-19;
Eff. February 1, 1976;
Amended Eff. May 1, 2007; April 1, 1997.
Amended Eff. August 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0107

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6 and 8, delete the language "so as to be clearly visible and legible" and replace with "in a position that is visible and legible"

Line 18, move the "August 1, 2014" date up to line 17. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0107 is amended as published in 28:12 NCR 1377 as follows:

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15A NCAC 10F .0107 VALIDATION DECAL

In addition to the certificate of number, the Wildlife Resources Commission shall supply to the owner of each vessel that is numbered, ~~a two validation decal~~ decals indicating the year of expiration. The owner shall affix ~~such one~~ validation decal so as to be clearly visible and legible on the starboard bow and one validation decal on the port side bow of the vessel following and within six inches of the vessel number. The owner of a United States Coast Guard documented vessel shall affix one validation decal so as to be clearly visible and legible on the forward half of the starboard bow and one validation decal on the forward half of the port side bow. Any validation ~~decal~~ decals issued for a vessel numbered on application by a governmental entity shall contain no expiration date, but shall bear the letter "P" and shall not be subject to renewal so long as the vessel remains the property of a governmental entity. When any such vessel is transferred to private ownership, the ~~decal~~ decals shall be removed or obliterated by the transferring agency.

*History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.15;
Eff. February 1, 1976;
Amended Eff. May 1, 2007; April 1, 1997; August 31, 1980; January 1, 1980.
Amended Eff. January 1, 2015*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0326

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, the title of the Rule is "Pamlico County", but this is not correctly reflected on the form.

Line 22, move the "August 1, 2014" date up to line 21. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0326 is amended as published in 28:12 NCR 1377 as follows:

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15A NCAC 10F .0326 PAMLICO COUNTY

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

- (1) Silverthorn Bay: the waters of Silverthorn Bay, a tributary of Lower Broad Creek;
- ~~(2) Intracoastal Waterway: that portion of the Intracoastal Waterway beginning at the north side of the State Forestry Dock and extending to the land cut entrance on the south side of Jones Bay;~~
- ~~(3)~~(2) Minnesott Beach: the Minnesott Beach Yacht Basin and its access channel inland from the shoreline to 30 yards beyond the outermost points of the rock jetties in Neuse River.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Pamlico County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1977;
Amended Eff. December 1, 1985; November 1, 1977;
Temporary Amendment Eff. March 15, 2003;
Temporary Amendment Expired October 12, 2003;
Amended Eff. May 1, 2004.
Amended Eff. May 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0336

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 2, line 2, move the "August 1, 2014" date up to page 2, line 1. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0336 is amended as published in 28:12 NCR 1378 as follows:

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

4 (a) Regulated Area. This Rule applies only to that portion of Lake Gaston which lies within the boundaries of
5 Northampton and Warren Counties.

6 (b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a
7 marked mooring area established with the approval of the Executive Director, or his representative, on the waters of
8 Gaston Lake in Northampton and Warren Counties.

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

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

14 (1) ~~the North Point Cove Section B located on the north shore of Gaston Lake within Northampton~~
15 ~~County at the end of "Vincent Lane"; Northampton County, the waters of the cove on the north~~
16 ~~shore of Lake Gaston east of Vincent Drive, shore to shore from a point at 36.51652 N, 77.82232~~
17 ~~W to a point at 36.51580 N, 77.82273 W;~~

18 (2) Warren County, the waters of Big Stonehouse Creek within 50 yards of the culvert under at State
19 Road 1357; Highway 903;

20 (3) Warren County, the waters of Songbird Creek within 50 yards of the culvert under at State Road
21 1360; Highway 903;

22 (4) Warren County, the waters of Six Pound Creek within 50 yards of the culvert under at State
23 Road 1334; 1707;

24 (5) Warren County, the waters of Lizard Creek within 50 yards of the culvert at SR 1362, under
25 Highway 903.

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

28 (f) Placement and Maintenance of Markers. The Board of Commissioners of Northampton County and Warren
29 County are designated as suitable agencies for placement and maintenance of the markers implementing this Rule,
30 subject to the approval of the United States Coast Guard and United States Army Corps of Engineers. With regard
31 to marking Gaston Lake, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.

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33 *History Note: Authority G.S. 75A-3; 75A-15;*
34 *Eff. March 29, 1981;*
35 *Amended Eff. June 1, 1994; March 1, 1993; September 1, 1989;*
36 *Temporary Amendment Eff. March 15, 2003;*
37 *Temporary Amendment Expired October 12, 2003;*

- 1 *Amended Eff. May 1, 2004.*
- 2 *Amended Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0354

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, the title of the Rule is "Pitt County", but this is not correctly reflected on the form.

This rule differs from the prior two rules in not reflecting that something is subject to the Coast Guard. Is this correct?

Line 22, move the "August 1, 2014" date up to line 21. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 15A NCAC 10F .0354 is amended as published in 28:12 NCR 1378 as follows:

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15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule applies to the waters described in this Paragraph:

- (1) The entire inlet of Hardee Creek from the Tar River in Pitt ~~County;~~ County; and
- ~~(2) The Seine Beach area of the Tar River beginning at Chicod Creek and extending to the east side of the Grimesland Bridge as marked by appropriate markers; and~~
- ~~(3)~~(2) that portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W. beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers.

(b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Pitt County is designated a suitable agency for placement and maintenance of markers implementing this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1988;
Amended Eff. September 1, 2010; July 1, 1995; April 1, 1992.
Amended Eff. May 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10G .0601

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

This rule is a newly adopted rule and should be underlined if there have been no subsequent changes since publication. Please review 26 NCAC 02C .0108(6) and .0405(b).

Line 7, delete "(a)" as there are not multiple paragraphs in this Rule

Line 10, add a comma after "113-271"

Line 12, add the statutory authority for general rulemaking

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

1 Note: the Wildlife Resources Commission requests adding a new section to subchapter G of chapter 10 of title 15A
2 of the administrative code and it be titled as follows: Section .0600 License Eligibility

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4 15A NCAC 10G .0601 is adopted as published in 28:12 NCR 1372 as follows:

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6 **15A NCAC 10G .0601 TOTALLY DISABLED LICENSE ELIGIBILITY**

7 (a) The Wildlife Resources Commission shall accept documentation from individual residents who are certified as
8 totally and permanently disabled by the Social Security Administration, Civil Service Retirement System, Railroad
9 Retirement Board, or the North Carolina State Retirement System for the purpose of obtaining a lifetime totally
10 disabled hunting and fishing license as described in G.S. 113-270.1C, 113-270.1D, 113-271 and 113-351.

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12 *History Note: Authority G.S. 113-270.1C; 113-270.1D; 113-271; 113-351*
13 *Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10K .0101

DEADLINE FOR RECEIPT: Friday, April 11, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6 thru 7, the citation to the International Hunter Education Association is to a separate authority and citation should be in accordance with 26 NCAC 02C .0109(a), including incorporation language.

Line 11, add a comma after "conservation"

Line 13, add a comma after "vehicles"

Line 29, move the "August 1, 2014" date up to line 28. See 26 NCAC 02 .0108(8).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, March 28, 2014

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 10K .0101

RECOMMENDED ACTION:

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

COMMENT:

It is staff's recommendation that the Commission object to this Rule filed by the Wildlife Resources Commission for ambiguity. The authority for the rulemaking action for this topic is found in G.S. 113-270.1A(b)(5):

The Wildlife Resources Commission shall adopt rules and regulations to provide for the course of instruction and the issuance of the certificates consistent with the purpose of this section.

The amended Rule is within the Wildlife Resources Commission's rulemaking statutory authority. However, it is staff's opinion that the amendments creates ambiguities and fails to provide notice to the regulated public.

Specifically, in Paragraph (a) of the amended language the requirement of "a minimum of 10 hours of instruction" is deleted and as adopted, this Rule merely states "[a] hunter education instructor-led course or self-paced, independent study option." There is no longer a definitive minimum period of instruction

Abigail M. Hammond
Commission Counsel

time. In Paragraph (b) of the amended language “four hours” is deleted, but as adopted, this Rule maintained the language “60 percent.” The percentage of time without a definitive minimum period of instruction time makes the language “60 percent” unclear and ambiguous.

The amended Rule fails to provide notice to the regulated public of the requirements for the course of instruction in terms of time and removes existing definitive language.

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all of the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
- (4) It was adopted in accordance with Part 2 of this Article.

The Commission shall not consider questions relating to the quality or efficacy of the rule but shall restrict its review to determination of the standards set forth in this subsection.

Summary:

Staff is concerned that the amendments adopted by the Wildlife Resources Commission has resulted in an unclear and ambiguous Rule. It is staff opinion that this Rule should be objected to for failure to comply with G.S. 150B-21.9(a)(2).

§ 113-270.1A. Hunter safety course required.

(a) Except as provided in subsections (a1) and (d) of this section, on or after July 1, 2013, a person, regardless of age, may not procure a hunting license in this State without producing a hunter education certificate of competency or one of the following issued by the Wildlife Resources Commission:

- (1) A North Carolina hunting heritage apprentice permit.
- (2) A hunting license issued prior to July 1, 2013.

(a1) A person who qualifies for a disabled license under G.S. 113-270.1C(b)(5) or (6), G.S. 113-270.1D(b)(7) or (8), or G.S. 113-351(c)(3)f. or g. need not comply with the requirements of subsection (a) of this section in order to receive that license, so long as the person does not make use of the license unless:

- (1) The disabled hunter is accompanied by an adult of at least 18 years of age who is licensed to hunt; and
- (2) The licensed adult maintains a proximity to the disabled hunter which enables the adult to monitor the activities of the disabled hunter by remaining within sight and hearing distance at all times without the use of electronic devices.

(b) The Wildlife Resources Commission shall institute and coordinate a statewide course of instruction in hunter ethics, wildlife laws and regulations, and competency and safety in the handling of firearms, and in so doing, may cooperate with any political subdivision, or with any reputable organization. The course of instruction shall be conducted as follows:

- (1) The Wildlife Resources Commission shall designate those persons or agencies authorized to give the course of instruction, and this designation shall be valid until revoked by the Commission. Those designated persons shall submit to the Wildlife Resources Commission validated listings naming all persons who have successfully completed the course of instruction.
- (2) The Wildlife Resources Commission may conduct the course in hunter education, using Commission personnel or Commission-approved persons.
- (3) The Wildlife Resources Commission shall issue a certificate of competency and safety to each person who successfully completes the course of instruction, and the certificate shall be valid until revoked by the Commission.
- (4) Any similar certificate issued outside the State by a governmental agency, shall be accepted as complying with the requirements of subsection (a) above, if the privileges are reciprocal for North Carolina residents.
- (5) The Wildlife Resources Commission shall adopt rules and regulations to provide for the course of instruction and the issuance of the certificates consistent with the purpose of this section.

(c) On or after July 1, 2013, any person who obtains a hunting license by presenting a fictitious certificate of competency or who attempts to obtain a certificate of competency or hunting license through fraud shall have his hunting privileges revoked by the Wildlife Resources Commission for a period not to exceed one year.

(d) Notwithstanding the provisions of subsection (a) of this section, the lifetime licenses provided for in G.S. 113-270.1D(b)(1), (2), (3), (4), and (5), and 113-270.2(c)(2), and 113-351(c)(3) may be purchased by or in the name of persons who have not obtained a hunter education certificate of competency, subject to the requirements of this subsection. Pending satisfactory completion of the hunter education course, persons who possess one of the lifetime licenses specified in this subsection may exercise the privileges of the lifetime license only when accompanied by an adult of at least 18 years of age who is licensed to hunt in this State. For the purpose 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. (1989, c. 324, s. 1; 1991, c. 70, s. 1; 1997-365, s. 1; 1999-456, s. 27; 2005-438, s. 1; 2013-63, s. 1.)

1 15A NCAC 10K .0101 is amended as published in 28:12 NCR 1372 as follows:

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15A NCAC 10K .0101 COURSE REQUIREMENTS

(a) ~~The hunter safety course shall provide a minimum of 10 hours of instruction except that a self paced, independent study hunter safety course that~~ A hunter education instructor-led course or a self-paced, independent study option shall be provided that meets the standards required by International Hunter Education Association. ~~Association and includes instruction on safe management of all terrain vehicles and proper use of hunting dogs may also be administered.~~

(b) Of the ~~10 hours of~~ instruction required by Paragraph (a) of this Rule, 60 percent of the time shall be devoted to instruction related to the safe handling of firearms. The remaining ~~four hours~~ course time shall include instruction on hunter responsibility (ethics), wildlife conservation and wildlife ~~management, management; and may include~~ wildlife identification, game care, specialty hunting, survival and first aid, water safety, and special concerns (alcohol and drugs, turkey hunting, trapping, all terrain ~~vehicles, vehicles and~~ vehicles and hunting dogs).

(c) The hunter education course shall be administered by an instructor certified by the North Carolina Wildlife Resources Commission.

(d) The following requirements must be satisfied by the course participant in order to successfully complete a hunter education course and be entitled to the issuance of a Certificate of Competency:

- (1) complete all ~~10 hours~~ of the instruction or all the material contained in the independent study course;
- (2) score a minimum of 70 percent on the final examination; and
- (3) ~~demonstrate review safe firearm handling skills. skills, except current and former military personnel, current and former law enforcement officers, and National Rifle Association certified firearms instructors are exempt from this requirement. Exempt individuals must show current documentation of their exempt status.~~

*History Note: Authority G.S. 113-134; 113-270.1A;
Eff. October 1, 1991;
Amended Eff. April 1, 2003; April 1, 1996.
Amended Eff. May 1, 2014*

1 15A NCAC 10K .0101 is amended as published in 28:12 NCR 1372 as follows:

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15A NCAC 10K .0101 COURSE REQUIREMENTS

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(b) Of the ~~10 hours of~~ instruction required by Paragraph (a) of this Rule, 60 percent of the time shall be devoted to instruction related to the safe handling of firearms. The remaining ~~four hours course time~~ shall include instruction on hunter responsibility (ethics), wildlife conservation and wildlife ~~management, management; and may include~~ wildlife identification, game care, specialty hunting, survival and first aid, water safety, and special concerns (alcohol and drugs, turkey hunting, trapping, all terrain ~~vehicles, vehicles and hunting dogs~~).

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- (2) score a minimum of 70 percent on the final examination; and
- (3) ~~demonstrate review safe firearm handling skills. skills, except current and former military personnel, current and former law enforcement officers, and National Rifle Association certified firearms instructors are exempt from this requirement. Exempt individuals must show current documentation of their exempt status.~~

*History Note: Authority G.S. 113-134; 113-270.1A;
Eff. October 1, 1991;
Amended Eff. April 1, 2003; April 1, 1996.
Amended Eff. May 1, 2014*