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 10B .0223

RECOMMENDED ACTION:

 Approve, but note staff’s comment

X Object, based on:

 Lack of statutory authority

X Unclear or ambiguous

 Unnecessary

 Failure to comply with the APA

 Extend the period of review

COMMENT:

This rule appears to conflict with 15A NCAC 10B .0204 regulating the taking of wild boar. It appears that both feral swine and wild boar are defined as "free ranging mammals of the species *Sus rofa*." It is not clear how to determine when each rule applies.

15A NCAC 10B .0204 WILD BOAR (BOTH SEXES)

(a) Open Seasons: The wild boar season for both sexes in Cherokee, Clay, Graham, Jackson, Macon, and Swain counties shall be the Monday on or nearest September 10 to the last day in February. Wild Boar may not be taken with the use of dogs on designated bear sanctuaries and may be taken in the deer bow and arrow season, deer muzzleloading season, deer gun season and any small game season using only weapons and manner of take prescribed for that hunting season. Wild boar may be hunted with dogs only during open bear season.

Free-ranging swine in all the other counties are considered to be feral and harvest and reporting of harvest are not regulated by the Commission except on game lands as described in 15A NCAC 10D .0103(i).

(b) Bag Limits: The daily bag limit for wild boar of both sexes is one; the possession limit is one; and the season limit is two.

(c) Kill Reports. The carcass of each wild boar shall be tagged and the kill reported as provided by 15A NCAC 10B .0113.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2;

Eff. February 1, 1976;

Amended Eff. May 1, 2009; May 1, 2007; July 1, 1999; July 1, 1995; July 1, 1993; July 1, 1987; July 1, 1986.

Robert A. Bryan, Jr.

Commission Counsel