

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0114

**DEADLINE FOR RECEIPT: Thursday, September 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

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

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(3), what are the “governing laws and Rules of the Commission”? Is it more than just this Rule and the statutes cited?*

*In (b), is there a cross-reference available on how to obtain the “field trial permit”?*

*Just to be sure that I understand, what’s the difference in (h)(2) and (3)? I’m reading (h)(3) to say that all birds have to come from a licensed game bird propagator, but (h)(2) to say that wild birds are okay so long as there is no live ammunition. Is (h)(3) only applicable to those field trials permitted to have live ammunition?*

*In (h)(4), is 50 CFR 21.13 incorporated by reference in accordance with G.S. 150B-21.6 elsewhere in your Rules? If not, please do it here.*

*In (i)(1), by “authorized”, do you mean “used”? Do you mean “authorized by the field permit”?*

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

Amber May  
Commission Counsel  
Date submitted to agency: August 27, 2020

1 15A NCAC 10B .0114 is readopted as published in 34:19 NCR 1777 as follows:

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3 **15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS**

4 (a) For purposes of 15A NCAC 10B and 10D, the following definitions apply:

5 (1) "Commission-sanctioned field trial" means a field trial ~~that, pursuant to a written request from the~~  
6 ~~sponsoring organization, that has been authorized in writing and scheduled for occurrence by an~~  
7 ~~authorized representative of by the Wildlife Resources Commission. Commission and for which a~~  
8 Field Trial Permit has been issued.

9 (2) "Active participant" means ~~a person~~ an individual participating in a field trial who handles dogs or  
10 uses a firearm.

11 (3) "Field Trial Permit" means the permit issued by the Wildlife Resources Commission that authorizes  
12 an individual to hold a commission-sanctioned field trial for dogs in accordance with governing  
13 laws and the Rules of the Commission.

14 (b) Individuals desiring to conduct a commission-sanctioned field trial shall obtain a Field Trial Permit from the  
15 Wildlife Resources Commission at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters located at 1751 Varsity  
16 Drive, Raleigh, NC 27606.

17 ~~(b) (c) Each person~~ Individuals using wildlife to train or run dogs shall possess a North Carolina hunting license.

18 ~~(c) A person serving as judge of a commission sanctioned field trial is exempted~~ (d) An individual who is serving as  
19 a judge of a commission-sanctioned field trial shall be exempt from any license requirements. ~~Judges of non-~~  
20 ~~sanctioned~~ An individual who is serving as a judge of a non-sanctioned field trials trial using wildlife shall possess a  
21 North Carolina hunting license.

22 ~~(d) (e) Except as exempted~~ provided in Paragraph (e) (f) of this Rule, the following applies license requirements shall  
23 apply to active participants in field trials:

24 (1) North Carolina residents participating in any field trial that uses wildlife shall have a N.C. hunting  
25 license;

26 (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a  
27 N.C. hunting license or a hunting license from his or her state of residence; and

28 (3) non-residents participating in other types of field trials that use wildlife shall possess a N.C. hunting  
29 license

30 ~~(e)-(f) Persons~~ Notwithstanding Paragraph (e) of this Rule, an individual without a license may participate in  
31 commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that ~~are fenced~~  
32 ~~in accordance with~~ meet the fencing requirements specified in G.S. 113-276(k).

33 ~~(f) (g) Except as allowed by rules pertaining to authorized field trials, it is~~ It shall be unlawful to carry axes, saws  
34 saws, or climbing irons while training or running dogs during ~~closed season on game animals.~~ any closed season for  
35 game animals.

36 ~~(g) (h) On a commission sanctioned field trial for retrievers or bird dogs,~~ The following conditions shall apply to  
37 commission-sanctioned field trials for retrievers or bird dogs:

1 (1) shotguns containing live ammunition or firearms using only blank ammunition ~~may be used only~~  
2 ~~when the application for and the authorization of the field trial so provide. shall be prohibited unless~~  
3 specifically authorized by a Field Trial Permit.

4 (2) ~~No~~ no wild waterfowl, ~~quail~~ wild quail, or ~~wild~~ pheasant shall be used in field trials when shotguns  
5 with live ammunition are ~~permitted.~~ permitted.

6 (3) ~~All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird propagator.~~  
7 only waterfowl, quail, or pheasants lawfully obtained from a licensed game bird propagator shall be  
8 authorized for use in field trials.

9 (4) ~~Each specimen of waterfowl so obtained~~ waterfowl obtained from licensed game bird propagators  
10 for use in field trials when shotguns with live ammunition are authorized shall be marked by one of  
11 the methods ~~provided by 50 C.F.R. 21.13.~~ specified in 50 C.F.R. 21.13; and

12 (5) ~~Each pheasant or quail so obtained~~ pheasants or quail obtained from licensed game bird propagators  
13 for use in field trials where shotguns with live ammunition are authorized shall be banded by the  
14 propagator prior to delivery with a leg band that is imprinted with the number of his or her  
15 propagation license. The purchaser of the birds shall obtain a copy of the receipt from the propagator  
16 showing the ~~date and~~ date, the number number of birds purchased, propagator license number, and  
17 species of birds purchased. ~~The~~ A copy of the receipt shall be available for inspection by ~~any~~  
18 ~~authorized agent~~ representatives of the Wildlife Resources Commission during the time and at the  
19 place where the trial is being held.

20 ~~(h) Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at~~  
21 ~~least 30 days prior to the scheduled event.~~

22 ~~(i) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller during~~  
23 ~~the closed season using domestically raised waterfowl and domestically raised game birds.~~

24 (i) The following conditions shall apply when training dogs during the closed season for domestically raised waterfowl  
25 and domestically raised game birds:

26 (1) only shotguns with number 4 size shot or smaller shall be authorized;

27 (2) ~~Only~~ nontoxic shot shall be used when training dogs using domestically raised ~~waterfowl.~~  
28 waterfowl;

29 (3) ~~All~~ all domestically raised waterfowl shall be individually tagged on one leg with a seamless band  
30 stamped with the ~~number of the~~ propagation license number of ~~for~~ the facility from which the  
31 domestically raised waterfowl ~~originated.~~ originated; and

32 (4) ~~All~~ all other domestically raised game birds shall be individually tagged on one leg with a band  
33 indicating the propagation license number ~~for~~ of the facility from which the birds originated.

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35 *History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13;*  
36 *Eff. February 1, 1976;*

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*Amended Eff. May 1, 2015; January 1, 2013; January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1, ~~1990~~1990;*  
*Readopted Eff. October 1, 2020.*

1 15A NCAC 10G .0601 is amended as published in 34:19 NCR 1778 as follows:

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3 **15A NCAC 10G .0601 TOTALLY DISABLED LICENSE ELIGIBILITY**

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

8 (a) North Carolina residents that are totally and permanently disabled shall be eligible for the totally disabled lifetime  
9 licenses described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.

10 (b) Written certification of a resident's total and permanent disability as specified in Paragraphs (c) and (d) of this  
11 Rule shall be required and submitted to the Wildlife Resources Commission prior to the issuance of a totally disabled  
12 lifetime license.

13 (c) Written certification of a resident's total and permanent disability from the following institutions shall be accepted  
14 for the purposes of qualifying for the totally disabled lifetime licenses specified in Paragraph (a) of this Rule:

- 15 (1) The Social Security Administration;  
16 (2) The Civil Service Retirement System;  
17 (3) The Railroad Retirement Board; and  
18 (4) The North Carolina State Retirement System.

19 (d) Residents not receiving or qualifying for benefits from the institutions specified in Paragraph (c) may submit  
20 written certification from a licensed physician, licensed physician assistant, or certified nurse practitioner that the  
21 resident's impairment qualifies under the categories set forth by the Social Security Administration in 20 C.F.R.  
22 416.934 for presumptive disability or presumptive blindness, excluding the impairment categories specifically  
23 applying to infants. 20 C.F.R. 416.934 is hereby incorporated by reference, including subsequent amendments and  
24 editions. This regulation may be accessed free of charge at [www.ecfr.gov](http://www.ecfr.gov).

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26 *History Note: Authority G.S. 113-134; 113-270.1C; 113-270.1D; 113-271; 113-351;*  
27 *Eff. August 1, 2014-2014;*  
28 *Amended Eff. October 1, 2020.*  
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1 15A NCAC 10H .1003 is amended as published in 34:19 NCR 1776 as follows:

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3 **15A NCAC 10H .1003 RECORDS AND REPORTING REQUIREMENTS**

4 (a) Licensed taxidermists shall keep records of each wildlife specimen delivered and contained within his or her place  
5 of business. Records shall include:

- 6 (1) the species and sex of the specimen;
- 7 (2) the date the specimen was delivered;
- 8 (3) the name and address of the person delivering the specimen;
- 9 (4) the name and address of the person responsible for take of the specimen, if different;
- 10 (5) the date and location of the take;
- 11 (6) the big game harvest authorization number, if applicable; and
- 12 (7) the date and disposition of the mounted specimen.

13 Records shall be maintained chronologically by the date the specimen was delivered. Records shall be retained by the  
14 taxidermist for one year following expiration of the taxidermy license and shall be made available for inspection by  
15 any agent of the Wildlife Resources Commission.

16 (b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for  
17 migratory game birds, as set forth in 50 CFR 21.24, which is hereby incorporated by reference including subsequent  
18 amendments and editions, shall satisfy this Rule, and can be accessed at no cost at [www.ecfr.gov](http://www.ecfr.gov).

19 (c) Licensed taxidermists required by G.S. 113-273(k) to obtain the taxidermy cervid certification shall report the  
20 following information of each wildlife specimen of the family Cervidae delivered and contained within his or her  
21 place of business to the Wildlife Resources Commission on a form available at [www.ncwildlife.org](http://www.ncwildlife.org):

- 22 (1) the county or parish, state, Canadian province, or foreign country where the take occurred;
- 23 (2) the big game harvest authorization number or equivalent out-of-state number; and
- 24 (3) the species of each cervid.

25 (d) The information required to be reported in Paragraph (c) of this Rule shall be received by the Commission prior  
26 to the renewal of a taxidermy cervid certification.

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28 *History Note: Authority G.S. 113-134; 113-273;*

29 *Eff. March 1, 1981;*

30 *Amended Eff. September 1, 1989;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
32 *6, 2016;*

33 *Amended Eff. November 1, 2020; February 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0101

**DEADLINE FOR RECEIPT: Thursday, September 10, 2020**

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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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, is this Rule necessary? It appears to be covered by G.S. 105-277.15? Do you need it for summarization purposes?*

*Is (b) necessary? (b) appears to be covered specifically by 105-277.15(c)(3)a. and I don't see where you all have the authority to expand those uses. If you do need it for summarization and ease for your regulated public, would you not also need the other requirements referenced in (a) set forth in G.S. 105-277.15(c).*

*If you do need (b), please make (b) a complete sentence. Perhaps something like "Use requirements of Wildlife Conservation Land shall include the following:"?*

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

Amber May  
Commission Counsel  
Date submitted to agency: August 27, 2020

1 15A NCAC 10L .0101 is adopted as published in 34:19 NCR 1779 as follows:

2  
3 **Subchapter 10L – Wildlife Conservation Land Program**

4  
5 **15A NCAC 10L .0101 WILDLIFE CONSERVATION LAND**

6 (a) Wildlife Conservation Land is a classification of land that meets the size and ownership requirements specified in  
7 G.S. 105-277.15 and on which one or more of the use requirements in subparagraphs (b)(1) through (b)(3) of this Rule  
8 are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife  
9 Resources Commission that is submitted by the landowner to the county where an application for reduced property  
10 tax assessment is requested.

11 (b) Use Requirements:

- 12 (1) Protection of species on the protected animal list;  
13 (2) Conservation of priority wildlife habitats; or  
14 (3) Land managed and actively used as a wildlife reserve.

15  
16 *History Note: Authority G.S. 105-277.15;*  
17 *Eff. October 1, 2020.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0102

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In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, is this Rule necessary? It appears to be providing the same information as set forth in G.S. 105-277.15(c)(3), just worded a different way.*

*In (a), given that G.S. 105-277.15(c) sets forth the land use requirements, please either change or add the statute to the "15A NCAC 10L .0101"*

*If you keep the reference to the Rule, please change "15A NCAC 10L .0101" to "Rule .0101 of this Section."*

*In (a), are "eligible species shall be those designated by the Commission in Section 15A NCAC 10L .0100 as endangered, threatened, or special concern" the same as "the North Carolina protected list published by the Commission under G.S. 113-333" as provided in G.S. 105-277.15(c)(3)a.1.? If so, do you need this Paragraph?*

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

Amber May  
Commission Counsel  
Date submitted to agency: August 27, 2020

1 15A NCAC 10L .0102 is adopted as published in 34:19 NCR 1779 as follows:

2  
3 **15A NCAC 10L .0102 PROTECTION OF SPECIES ON THE PROTECTED ANIMAL LIST**

4 (a) As specified in 15A NCAC 10L .0101, the protection of species on the protected animal list shall be a qualifying  
5 land use for Wildlife Conservation Land. Eligible species shall be those designated by the Commission in Section  
6 15A NCAC 10I .0100 as endangered, threatened, or special concern.

7 (b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the protection  
8 of species on the protected animal list use requirement:

9 (1) at least one protected wildlife species shall have been identified on the land;

10 (2) the landowner shall be required to manage the land to protect the species through established  
11 strategies identified in the Wildlife Habitat Conservation Agreement; and

12 (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

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

15 Eff. October 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0103

**DEADLINE FOR RECEIPT: Thursday, September 10, 2020**

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In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, is this Rule necessary? It appears to be providing the same information as set forth in G.S. 105-277.15(c)(3), just worded a different way.*

*In (a), given that G.S. 105-277.15(c) sets forth the land use requirements, please either change or add the statute to the "15A NCAC 10L .0101"*

*If you keep the reference to the Rule, please change "15A NCAC 10L .0101" to "Rule .0101 of this Section."*

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

Amber May  
Commission Counsel  
Date submitted to agency: August 27, 2020

1 15A NCAC 10L .0103 is adopted as published in 34:19 NCR 1779 as follows:

2  
3 **15A NCAC 10L .0103 CONSERVATION OF PRIORITY WILDLIFE HABITATS**

4 (a) As specified in 15A NCAC 10L .0101, the conservation of priority wildlife habitats shall be a qualifying land use  
5 for Wildlife Conservation Land. Priority wildlife habitats shall mean those habitats specified in G.S.105-  
6 277.15(c)(3)(a)(2).

7 (b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the  
8 conservation of priority wildlife habitat land use requirement:

9 (1) at least one of the priority wildlife habitats specified in G.S. 105-277.15(c)(3)(a)(2) shall have been  
10 identified on the land or planned for establishment;

11 (2) the management strategies identified for the continued existence of the priority wildlife habitat shall  
12 be in place or planned for as specified in the Wildlife Habitat Conservation Agreement; and

13 (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

14  
15 History Note: Authority G.S. 105-277.15;

16 Eff. October 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10L .0104

**DEADLINE FOR RECEIPT: Thursday, September 10, 2020**

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In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, is (a) necessary? It appears to be providing the same information as set forth in G.S. 105-277.15(c)(3)a.3.*

*In (a), given that G.S. 105-277.15(c) sets forth the land use requirements, please either change or add the statute to the "15A NCAC 10L .0101"*

*If you keep the reference to the Rule, please change "15A NCAC 10L .0101" to "Rule .0101 of this Section."*

*In (a), delete or define "actively", "regularly" and "primarily"*

*In (a), are there no circumstances under which the lands provided in lines 9-10 could not meet 3 of the 7 requirements? I'm a bit concerned about your authority to specifically say these won't qualify if there's a possibility that could meet the requirements of the Statute.*

*In (b)(5), known to harm wildlife to whom?*

*In (b)(7), what is considered to be "periodic"*

*In (c), please add a reference to G.S. 105-277.15(c)(3)a.3. to "Subparagraphs (b)(1) through (b)(7) of this Rule."*

*In (c)(2), are the substantive requirements of the form set forth elsewhere in rule or statute? If not, please provide them here.*

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

Amber May  
Commission Counsel  
Date submitted to agency: August 27, 2020

1 15A NCAC 10L .0104 is adopted as published in 34:19 NCR 1779 as follows:

2  
3 **15A NCAC 10L .0104 WILDLIFE RESERVE**

4 (a) As specified in 15A NCAC 10L .0101, land that is managed and actively used as a wildlife reserve shall be a  
5 qualifying land use for Wildlife Conservation Land. Wildlife reserve shall mean a type of wildlife conservation land  
6 that is created to be actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or  
7 wildlife activities, and upon which wildlife management activities are conducted to ensure the propagation of a  
8 sustaining breeding, migrating or wintering population of indigenous wild animals. Land managed and maintained  
9 primarily for human uses such as large lawns, golf courses, horse pastures, production agricultural fields, monoculture  
10 hayfields, solar energy, and commercial timber stands shall not qualify as wildlife reserve land.

11 (b) As specified in G.S. 105-277.15(c)(3)(a)(3), to qualify as Wildlife Conservation Land under the wildlife reserve  
12 land use requirement, at least three of the following activities shall be maintained on the land as agreed upon in the  
13 written Wildlife Habitat Conservation Agreement:

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

33 (c) Qualifying land shall be inspected at least once every five years following the date that the conservation agreement  
34 is signed to ensure that at least three of the seven activities specified in Subparagraphs (b)(1) through (b)(7) of this  
35 Rule are maintained. The following conditions shall apply to the required inspection:

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- (1) a wildlife biologist employed by a state or federal agency, a Certified Wildlife Biologist® credentialed by the Wildlife Society, or a Certified Fisheries Professional credentialed by the American Fisheries Society shall perform the inspection of qualifying land; and
- (2) inspections shall be recorded by the wildlife biologist on a form provided by the Commission. The landowner shall submit the completed form to the county tax assessor’s office during the open enrollment period for the year that the inspection is due.

History Note: Authority G.S. 105-277.15;  
Eff. October 1, 2020.