

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10B .0503.

Codifier of Rules approved this rule as an emergency rule effective August 30, 2022 and received for publication the following notice and proposed temporary rule on: August 19, 2022.

Public Hearing:

Date: September 13, 2022

Time: 2:00 PM

Location: Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_wu0VNycpR_SZS9JDx_nJaA, Join by phone toll free (833 568 8864) using Webinar ID: 161 990 9679

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. G.S. 150B-21.1(a)(7)b. A temporary amendment is needed to address the use of natural deer excretions from hunter-harvested deer in the CWD surveillance area before the 2022-2023 hunting season begins. Prohibiting possession and use of these substances will aid in the detection and reduce movement of CWD in the surveillance area.

Comment Procedures: Comments from the public shall be directed to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org. The comment period begins August 19, 2022 and ends September 16, 2022.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside a Surveillance Area, except that bird feeders and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting during the urban archery season shall be allowed within the established season in participating municipalities.

(b) It is unlawful to export a live cervid, cervid carcass, or carcass parts originating from inside a Surveillance Area except:

- (1) meat that has been boned out such that no pieces or fragments of bone remain;
- (2) caped hides with no part of the skull or spinal column attached;
- (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- (4) cleaned lower jawbones with teeth or cleaned teeth;
- (5) finished taxidermy products and tanned hides; and
- (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

(c) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(d) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance area.

(e) No person shall possess or use any substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting wildlife. This prohibition shall not apply to the following substances:

- (1) Products containing synthetic analogs of cervid excretions and labeled as such.
- (2) Natural substances collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.
- (3) Natural deer urine products containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such.
- (4) Natural deer urine products containing excretions from facilities that meet all the following requirements and are labeled as such:
 - (A) Determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions.
 - (B) Complies with a federally approved CWD herd certification program and any federal CWD protocols.
 - (C) Participates in additional herd management requirements as specified by the Wildlife Resources Commission.