

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .1502

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (a), what does “harmfully altered” mean? This is broad and vague, and it should be defined or deleted.

In Subparagraph (a)(7), it states “on lands and waters owned or acquired”. By whom is the land owned or acquired? What does this mean and is it necessary?

In Paragraph (d), should G.S. 143-215.3 be added to the History Note: Authority?

In Subparagraph (d)(1), “(s)” should not be used, as it is on “employee”.

Also, remove the parenthesis in Paragraph (e).

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10A .1502 is adopted as published in the 36:22 NCR 1781-1783 as follows:

3 15A NCAC 10A .1502 REPLACEMENT COSTS OF WILDLIFE

4 (a) For the purpose of this Rule, “replacement cost” means the monetary amount to replace a specimen of wildlife that
5 has been taken, injured, removed, harmfully altered, damaged, or destroyed. As specified in G.S. 113-267, this term
6 shall be broadly construed to include indirect costs of replacement if direct stocking or replacement is not feasible,
7 including the costs of habitat improvement or restoration, the establishment of sanctuaries, and any other recognized
8 conservation technique.

9 (b) The following factors shall be considered when determining replacement costs:

- 10 (1) whether the species has a season for take;
- 11 (2) whether the species is classified as endangered, threatened, or special concern;
- 12 (3) the relative frequency of species occurrence in the State;
- 13 (4) the extent of existing suitable habitat for the species within the State;
- 14 (5) the unique habitat requirements of the species;
- 15 (6) the cost of acquiring, by purchase or long-term lease, lands and waters for habitat development;
- 16 (7) the cost of improving and maintaining suitable habitat for the species on lands and waters owned or
17 acquired;
- 18 (8) the cost of live-trapping the species in areas of adequate populations and transplanting them to areas
19 of suitable habitat with low populations;
- 20 (9) the availability of replacement specimens and the cost of acquisition for restocking species in the
21 wild;
- 22 (10) the cost of propagating and rearing the species in captivity or a hatchery and the cost of transporting
23 them to an area with suitable habitat;
- 24 (11) the ratio between the natural life expectancy of the species and the period of its probable survival in
25 the wild when having been reared in captivity;
- 26 (12) the consumer price index; and
- 27 (13) any other factor that gives value to the species.

28 (c) Based on the factors in Paragraph (b) of this Rule, the following scheduled amounts shall represent the estimated
29 replacement cost of an individual wildlife specimen. Replacement costs are per individual for wildlife species and per
30 inch for fish species unless otherwise noted:

<u>Species</u>	<u>Replacement Cost</u>
<u>Birds</u>	
<u>Crow</u>	<u>4.00</u>
<u>Dove</u>	<u>13.00</u>
<u>Duck</u>	

1	<u>American black duck</u>	<u>125.00</u>
2	<u>Canvasback</u>	<u>125.00</u>
3	<u>Gadwall</u>	<u>125.00</u>
4	<u>Long-tailed duck</u>	<u>125.00</u>
5	<u>White-winged scoter</u>	<u>125.00</u>
6	<u>All other ducks</u>	<u>41.00</u>
7	<u>Goose (includes Brant and Snow)</u>	<u>125.00</u>
8	<u>Grouse</u>	<u>125.00</u>
9	<u>Pheasant</u>	<u>37.00</u>
10	<u>Quail</u>	<u>125.00</u>
11	<u>Rail</u>	
12	<u>Clapper, king, and Virginia</u>	<u>125.00</u>
13	<u>Coot, Gallinule, Moorhen, and Sora</u>	<u>37.00</u>
14	<u>Snipe</u>	<u>26.00</u>
15	<u>Swan, tundra</u>	<u>1078.00</u>
16	<u>Woodcock</u>	<u>125.00</u>
17	<u>Big Game</u>	
18	<u>Bear, black</u>	<u>2232.00</u>
19	<u>Deer</u>	<u>602.00</u>
20	<u>Turkey, wild</u>	<u>525.00</u>
21		
22	<u>Small Game</u>	
23	<u>Beaver</u>	<u>104.00</u>
24	<u>Bobcat</u>	<u>647.00</u>
25	<u>Fox</u>	<u>88.00</u>
26	<u>Mink</u>	<u>75.00</u>
27	<u>Muskrat</u>	<u>19.00</u>
28	<u>Opossum</u>	<u>6.00</u>
29	<u>Otter</u>	<u>647.00</u>
30	<u>Rabbit</u>	<u>13.00</u>
31	<u>Raccoon</u>	<u>58.00</u>
32	<u>Skunk</u>	<u>19.00</u>
33	<u>Squirrel, fox</u>	<u>54.00</u>
34	<u>Squirrel, gray and red</u>	<u>17.00</u>
35	<u>Weasel</u>	<u>11.00</u>
36	<u>Reptiles</u>	
37	<u>Kingsnake, scarlet</u>	<u>100.00</u>

1	<u>Milksnake, coastal plain</u>	<u>200.00</u>
2	<u>Milksnake, eastern</u>	<u>100.00</u>
3	<u>Snake, eastern hognose</u>	<u>100.00</u>
4	<u>Turtle, eastern box</u>	<u>150.00</u>
5	<u>Turtle, spotted</u>	<u>150.00</u>
6		
7	<u>Elk</u>	<u>2500.00</u>
8	<u>Any other species with no open season</u>	<u>54.00</u>
9		
10	<u>Endangered Species</u>	<u>4960.00</u>
11	<u>Threatened Species</u>	<u>4313.00</u>
12	<u>Special Concern Species</u>	<u>3000.00</u>
13		
14	<u>Fish Species</u>	
15		
16	<u>Bass</u>	
17	<u>Alabama Bass</u>	<u>0.80</u>
18	<u>Hybrid (Bodie) Bass</u>	<u>1.27</u>
19	<u>Largemouth Bass</u>	<u>0.80</u>
20	<u>Redeye Bass</u>	<u>0.80</u>
21	<u>Smallmouth Bass</u>	<u>2.34</u>
22	<u>Spotted Bass</u>	<u>0.80</u>
23	<u>Striped Bass</u>	<u>1.27</u>
24	<u>White</u>	<u>0.25</u>
25	<u>Bullhead</u>	
26	<u>Black Bullhead</u>	<u>1.72/fish</u>
27	<u>Brown Bullhead</u>	<u>1.72/fish</u>
28	<u>Flat Bullhead</u>	<u>1.72/fish</u>
29	<u>Snail Bullhead</u>	<u>1.72/fish</u>
30	<u>Yellow Bullhead</u>	<u>1.72/fish</u>
31	<u>Catfish</u>	
32	<u>Blue Catfish</u>	<u>0.61</u>
33	<u>Channel Catfish</u>	<u>0.61</u>
34	<u>Flathead Catfish</u>	<u>0.61</u>
35	<u>White Catfish</u>	<u>0.61</u>
36	<u>Crappie</u>	<u>0.48</u>
37	<u>Kokanee Salmon</u>	<u>0.71</u>

<u>Muskellunge</u>	<u>9.99</u>
<u>Pickereel</u>	
<u>Chain Pickerel</u>	<u>0.99</u>
<u>Redfin Pickerel</u>	<u>0.99</u>
<u>Sauger</u>	<u>0.92</u>
<u>Shad</u>	
<u>American Shad</u>	<u>1.40/fish</u>
<u>Hickory Shad</u>	<u>1.40/fish</u>
<u>Sunfish</u>	
<u>Bluegill Sunfish</u>	<u>2.65/fish</u>
<u>Flier Sunfish</u>	<u>2.65/fish</u>
<u>Green Sunfish</u>	<u>2.65/fish</u>
<u>Pumpkinseed Sunfish</u>	<u>2.65/fish</u>
<u>Redbreast (Robin)</u>	<u>2.65/fish</u>
<u>Redear (Shellracer)</u>	<u>2.65/fish</u>
<u>Roanoke Bass</u>	<u>2.65/fish</u>
<u>Rock Bass Sunfish</u>	<u>2.65/fish</u>
<u>Warmouth Sunfish</u>	<u>2.65/fish</u>
<u>Trout</u>	
<u>Brook Trout</u>	<u>0.71</u>
<u>Brown Trout</u>	<u>0.71</u>
<u>Rainbow Trout</u>	<u>0.71</u>
<u>Walleye</u>	<u>0.92</u>
<u>White Perch</u>	<u>0.25</u>
<u>Yellow Perch</u>	<u>0.92</u>
<u>All other game fish</u>	<u>0.76/fish</u>
<u>All other nongame fish</u>	<u>1.87/fish</u>
<u>Endangered, Threatened, Special Concern</u>	
<u>Mussels</u>	<u>50.54/mussel</u>
<u>Crayfish</u>	<u>50.00/crayfish</u>
<u>Finfish</u>	<u>157.54/fish</u>

(d) The following factors shall be considered when determining the costs of an investigation conducted pursuant to G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of wildlife:

- (1) the time expended by the employee(s) conducting or involved in the investigation, including travel time between the place of usual employment and the site of the investigation, and the time required in formulating and rendering the report;
- (2) the total compensation cost of service to the state for each employee involved, including annual salary, total insurance, and the state's contribution to social security taxes and to the applicable retirement system;
- (3) subsistence costs for the investigating personnel, including meals, reasonable gratuities, and lodging, when required;
- (4) the cost of all necessary transportation;
- (5) the use or rental equipment or vehicles, when required;
- (6) the cost of cleaning, repairing, or replacing any clothing damaged, soiled, or contaminated by conducting the investigation; and
- (7) any other expense directly related to and necessitated by the investigation.

(e) In assessing the cost of time expended in completing the investigation, the time expended by each person required to take part in the investigation shall be recorded in hours, the value of which shall be computed according to the ratio between the annual costs of service of the employee and his or her total annual working hours (2087 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as follows:

- (1) the actual cost of meals, reasonable gratuities, and lodging away from home, not to exceed the current maximum per diem for state employees at the time of the investigation;
- (2) total mileage by motor vehicle multiplied by:
 - (A) the then current rate per mile for travel by state-owned vehicle; or
 - (B) the then current rate per mile for travel by privately owned vehicle, if
applicable;
- (3) ten dollars (\$10.00) per hour for boat and motor use;
- (4) uniform and clothing cleaning and repair cost; and
- (5) any other expense directly related to and necessitated by the investigation.

History Note: Authority G.S. 113-134; 113-267.
Eff. October 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0101

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

In Paragraph (a), on the end of line 8, should a comma be used instead of a semicolon?

In Paragraph (b), line 12, what is meant by “per”? Should it be “pursuant”? Is there a way to state this more clearly?

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0101 is amended as published in the 36:22 NCR 1783 as follows:

2
3 **15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS, BIRDS, AND NATIVE REPTILES AND**
4 **AMPHIBIANS**

5
6 (a) Before any live wild bird, wild animal, or any native reptile or amphibian, is imported into North Carolina for any
7 purpose, a permit shall be obtained from the Executive Director of the North Carolina Wildlife Resources Commission
8 authorizing the importation, using application forms provided by the ~~Commission.~~Commission, available at newildlife.org;
9 and from the North Carolina Department of Agriculture and Consumer Services per 02 NCAC 52B .0200, if applicable.

10 (b) ~~Waterfowl~~ Domestically raised game birds, chukars, and Hungarian partridges imported into North Carolina shall be
11 accompanied by a certificate or label showing the name and address of the shipper and the National Poultry Improvement
12 plan (NPIP) Disease Program Status of the flock of origin per 02 NCAC 52B .0603. ~~must be received from facilities or~~
13 ~~individuals who are certified under the National Poultry Improvement Plan (NPIP) as pullorum typhoid and avian~~
14 ~~influenza negative.~~ If the source birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza
15 negative by NPIP standards within ~~30~~21 days prior to entry into North Carolina. Health certificates for imported waterfowl
16 shall be available for inspection by authorized Commission personnel upon request.

17
18 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*

19 *Eff. February 1, 1976;*

20 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*

21 *Amended Eff. October 1, 2022; August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0106

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

In Paragraph (e), please remove the “(s)” on line 28.

What does Paragraph (g) mean? What is specifically being required and what does “provided there is evidence of property damage”? What is sufficient evidence? Who makes that judgment? By what criteria?

Could Paragraph (h) be stated more clearly? Perhaps it could be clarified by stating “Depredation permits shall: (1) be prepared on a form...”, etc. (removing the “permit shall” language from each Subparagraph). Also, in Subparagraph (h)(4), what does “and local laws” mean? It seems out of place and unnecessary.

In Subparagraph (k)(2), the “if desired” language is unnecessary.

Paragraphs (l) and (m) are unclear. Remove the “(s)” from paragraph (l). Paragraph (m) should begin with “Any landholder shall...”. To be a valid rule, it should be stated with an active verb and require someone to do something.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0106 is readopted with changes as published in 36:22 NCR 1785-1788 as follows:

2
3 **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDACTIONS**

4 (a) Depredation permits shall authorize the taking, destruction, transfer, removal, transplanting, or driving away of
5 undesirable, destructive, or excess wildlife or wildlife resources as specified in **Paragraph (d)** of this Rule.

6 ~~(b) The following conditions shall apply to depredation permits:~~

7 ~~(1) depredation permits shall be prepared on a form supplied by the Commission; and~~

8 ~~(2) depredation permits shall only be issued by authorized employees of the Commission or licensed~~
9 ~~Wildlife Control Agents (WCA).~~

10 ~~(c)~~ (b) Depredation permits shall not be required for the owner or lessee of a property to take wildlife while committing
11 depredations ~~on~~ to that property; however, the manner of take, disposition of dead wildlife, and reporting requirements
12 specified in this Rule shall apply.

13 ~~(d)~~ (c) No permit shall be issued to take endangered or threatened species of wildlife listed under 15A NCAC 10I,
14 except alligators, by reason of depredations to property. ~~The~~ Only the Executive Director or his or her designee may
15 issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. ~~An individual~~
16 ~~may take an endangered or threatened species in immediate defense of his or her own life or of the lives of others~~
17 ~~without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat~~
18 ~~to human safety shall be reported to a federal or Commission wildlife enforcement officer, who, upon verification of~~
19 ~~the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other~~
20 ~~species may be issued under the following conditions:~~

21 (d) An individual may take an endangered or threatened species in immediate defense of his or her own life or of the
22 lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-
23 immediate threat to human safety shall be reported to a state or Federal conservation Officer or employee who is
24 designated by their agency, who, upon verification of the report, may take or remove the specimen as provided by
25 15A NCAC 10I .0102 (c)(2).

26 (e) No permit may be issued for the taking of migratory birds and other federally-protected animals unless a current
27 Federal Depredation Order applies to a species or a corresponding, valid U.S. Fish and Wildlife Service depredation
28 permit(s), if required, has been issued.

29 (f) Depredation permits may be issued for taking of wildlife resources in circumstances of overabundance or when the
30 wildlife resources present a danger to human safety. Cities, as defined in G.S. 160A-1(2), seeking a depredation permit
31 pursuant to these circumstances shall submit to the Commission the following information:

32 (1) the name and location of the city;

33 (2) the acreage of the affected property;

34 (3) a map of the affected property;

35 (4) the signature of an authorized city representative;

36 (5) the nature of the overabundance or the threat to public safety; and

37 (6) a description of previous actions taken by the city to ameliorate the problem.

(1) ~~for taking wildlife that is or has been damaging or destroying property, provided there is evidence of property damage. No permit may be issued for the taking of migratory birds and other federally protected animals unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to this Rule shall name the species allowed to be taken and may include limitations as to age, sex, type of depredation, location of animal or damage, and local laws. The permit shall be issued to a landholder or an authorized representative of a unit of local government for depredations on public property. The permit shall be used only by individuals named on the permit.~~

(2) ~~for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities, as defined in G.S. 160A-1(2), seeking a depredation permit pursuant to these circumstances shall apply to the Commission using an application available from the Commission. The application shall include the following information:~~

~~(A) — the name and location of the city;~~

~~(B) — the acreage of the affected property;~~

~~(C) — a map of the affected property;~~

~~(D) — the signature of an authorized city representative;~~

~~(E) — the nature of the overabundance or the threat to public safety; and~~

~~(F) — a description of previous actions taken by the city to ameliorate the problem.~~

(g) Depredation permits for other species may be issued for taking wildlife that is or has been damaging or destroying property, provided there is evidence of property damage.

~~(e)~~ (h) The following shall apply to depredation permits:

(1) the permits shall be prepared on a form supplied by the Commission; and

(2) the permits shall only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA).

(3) each permit shall have an expiration date.

(4) the permit shall name the species allowed to be taken and may include limitations as to age, sex, type of depredation, location of animal or damage, and local laws.

(5) the permit shall be issued to a ~~landowner~~ landholder or an authorized representative of a unit of local government for depredations on public property.

(6) the permit shall be used only by individuals named on the permit.

(7) permit authorizes the possession of wildlife resources taken under the authority of the permit.

(8) the permits shall be retained as long as the wildlife resource is in the authorized individual's possession.

(e) Each depredation permit shall have an expiration date. A depredation permit authorizes the possession of wildlife resources taken under the authority of the permit. Depredation permits shall be retained as long as the wildlife resource

1 is in the authorized individual's possession. Individuals taking wildlife resources under the authority of a depredation
2 permit shall comply with the conditions of the permit and the requirements specified in this Rule.

3 ~~(h)~~ (i) Individuals taking wildlife resources under the authority of a depredation permit shall comply with the
4 conditions of the permit and the requirements specified in this Rule.

5 (f) ~~(g)~~ (j) Manner of Taking: The following shall apply to manner of take:

6 (1) ~~Taking Without a Permit.~~ Wildlife taken without a permit while committing depredations to
7 property may, during the open season ~~on~~ for the species, be taken by the landholder [landowner] by
8 any lawful method. During the closed season, such depredating wildlife may be taken without a
9 permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.

10 (2) ~~Taking With a Permit.~~ Wildlife taken under a depredation permit may be taken only by the method
11 or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the
12 intended purpose, the permit may specify a reasonable distance from the property sought to be
13 protected, within which the traps shall be set. The Executive Director, Commission employee, or
14 WCA may also state in a permit authorizing trapping whether or not bait or lure may be used and
15 the type of bait or lure that is authorized based upon factors such as type of depredation, locations
16 of animal or damage, and local laws. In addition to any trapping restrictions that may be contained
17 in the permit, the method of trapping shall be in accordance with the requirements and restrictions
18 imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation
19 permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with
20 the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest
21 Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall
22 authorize the taking of wildlife by any method by any landholder [landowner] upon the lands of
23 another except when the individual is listed as a second party on a depredation permit.

24 (3) ~~Intentional Wounding.~~ It is unlawful for any Any landholder, [landowner], with or without a
25 depredation permit, ~~or second party on a depredation permit to~~ shall not intentionally wound a wild
26 animal in a manner ~~so as not to~~ that will not cause its immediate death as suddenly and humanely
27 as the circumstances permit.

28 (g) ~~(f)~~ (k) Disposition of Wildlife Taken: The following shall apply to the disposition of wildlife taken:

29 (1) ~~Generally.~~ Except as provided by Subparagraphs (2) through (5) (7) of this Paragraph, any wildlife
30 killed without a permit while committing depredations shall be buried or disposed of in a safe and
31 sanitary manner on the property where taken. Wildlife killed under a depredation permit shall be
32 buried or otherwise disposed of as stated on the permit. ~~Wildlife killed under a depredation permit~~
33 ~~may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of~~
34 ~~animals being transported under a depredation permit shall have the depredation permit in his or her~~
35 ~~possession. Except as provided by Subparagraphs (2) through (5) of this Paragraph, all wildlife~~
36 ~~killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.~~

- (2) Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have a copy of the depredation permit in his or her possession.
- ~~(2) (3)~~ Deer and feral swine. The edible portions of feral swine and deer may be retained by landholder [landowner] for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder [landowner] may give a second party the edible portions of feral swine or deer taken under a depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) or (2) of this Paragraph or turned over to a Commission employee wildlife enforcement officer for disposition.
- ~~(3) (4)~~ Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) or (2) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B Section .0400, the carcass or pelt ~~thereof~~ may be sold to a licensed fur dealer.
- ~~(4) (5)~~ Furbearing Animals. The carcass or pelt of any furbearing animal killed during ~~the their~~ open season for ~~taking such furbearing animal for~~ control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping ~~license~~, license. ~~provided further that bobcats~~ Bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- ~~(5) (6)~~ Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia, or such wild animals must be released on the property where ~~captured~~, captured with permission from the [landowner] landholder. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. Animals transported or held for euthanasia shall be euthanized within 12 hours of possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have a copy of the depredation permit in his or her possession. ~~For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner.~~ When the relocation site is public property, written permission shall be obtained from the local, State, or federal official authorized to manage the property before any animal may be released. ~~Animals transported or held for euthanasia shall be euthanized within 12 hours of possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.~~
- (7) The edible portions of bear may only be retained by the [landowner] landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The [landowner] landholder may give a second party the edible portions of a

bear taken under a valid depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The complete carcass of a bear taken without a depredation permit and nonedible portions of any bear carcass, including head, hide, feet, claws, and internal organs, from a bear taken under a valid depredation permit shall be disposed of as specified in Subparagraph (1) or (2) of this Paragraph or turned over to a Commission employee for disposition.

~~(h) [(k)](l) Reporting Requirements.~~ Any landholder [landowner] who kills an alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report the number and species of animal(s) ~~kill on~~ killed upon the expiration date of the depredation permit to the Wildlife Resources Commission on the form provided with the permit, or through the website link provided on the permit, including the number and species of animal(s) killed, and submit the form upon the expiration date of the depredation permit to the Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report the kill, including the number of coyotes killed, on the form provided with the depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

~~[(4)](m)~~ The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the killing.

~~(i) [(m)](n) Exemption for Animal Control Officers.~~ Animal Control Officers, as defined by G.S. 130A-184(1) when in the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- (1) exhibit visible signs of rabies;
- (2) exhibit unprovoked aggression that may be associated with rabies;
- (3) are suspected to be rabid; or
- (4) have or may have exposed humans, pets, or livestock to rabies.

History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337;

Eff. February 1, 1976;

Amended Eff. August 1, 2013; January 1, 2012; August 1, 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990;

Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org;

Temporary Amendment Eff. February 27, 2015;

Amended Eff. May 1, 2021; October 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016;

1 Readopted Eff. October 1, 2022.
2

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0109

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

This rule jumps from Paragraph (a) to Paragraph (e). It should be "(b)".

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0109 is readopted as published in 36:22 NCR 1788 as follows:

2
3 **15A NCAC 10B .0109 CHASING DEER BY DOGS IN CERTAIN COUNTIES**

4 ~~(a) It is unlawful to allow~~ Allowing dogs to run or chase deer or to attempt to take deer with dogs at any time in and
5 west of the following counties or parts of counties is prohibited:

6 (1) Alamance County south of I-85

7 (2) Anson County west of NC 742

8 (3) Chatham

9 (4) Guilford

10 (5) Lee

11 (6) Montgomery

12 (7) Orange County south of I-85

13 (8) Randolph

14 (9) Rockingham

15 (10) Stanly

16 (11) Union

17 (12) Wake south of NC 98

18 ~~Alamance County south of I-85; Orange County south of I-85; Chatham County; Lee County; Wake County south of~~
19 ~~NC 98; and in and west of Rockingham, Guilford, Randolph and Montgomery Counties and that part of Anson County~~
20 ~~west of NC 742.~~

21 ~~Note: See 15A NCAC 10D .0103 which prohibits any hunting with dogs on game lands during the season for~~
22 ~~hunting deer with guns in and west of these counties.~~

23 (e) For counties and parts of counties east of those listed in paragraph (a), local laws may restrict the taking of deer
24 with dogs.

25
26 *History Note: Authority G.S. 113-134; 113-291.5;*

27 *Eff. February 1, 1976;*

28 *Amended Eff. July 1, 1999; July 1, 1991; August 1, 1980; August 1, 1978; August 1, 1977.*

29 *Readopted Eff. October 1, 2022.*
30

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0118

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (a), on line 6, the comma after “.0402” should be deleted.

In Paragraph (c), remove the parenthesis around “fox and gray”. Also, when incorporating, state: “...including subsequent amendments and editions, and can be obtained at no cost at <https://www....>”.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0118 is readopted as published in 36:22 NCR 1788 as follows:

2
3 **15A NCAC 10B .0118 SALE OF WILDLIFE**

4 (a) The ~~carcasses~~ carcasses, parts, or pelts of bobcats, opossums, and raccoon that have been lawfully taken and
5 tagged in accordance with ~~taken by any hunting method, upon compliance with applicable fur tagging requirements~~
6 ~~set forth in 15A NCAC 10B .0402, may be sold.~~ sold to licensed fur dealers. The sale of carcasses or pelts of bobcats,
7 opossums, and raccoon killed accidentally or taken by hunting for control of depredations shall be permitted under
8 the conditions set forth in 15A NCAC 10B .0106~~(e)(4)~~ and 15A NCAC 10B .0127.

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

16 ~~(d)~~ (c) The dressed pelt or feathers of deer, elk, fox, pheasant, quail, rabbit, or squirrel (fox and gray) may be bought
17 or sold for the purpose of making fishing flies provided that the source of these animals may be documented as being
18 legally obtained from out of state sources or from lawfully operated commercial breeding facilities. The buying and
19 selling of migratory game birds shall be in accordance with 50 C.F.R. 20.91 which is hereby incorporated by reference,
20 including subsequent amendments and editions ([https://www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1/CFR-](https://www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1/CFR-2000-title50-vol1-sec20-91)
21 [2000-title50-vol1-sec20-91](https://www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1-sec20-91)).

22 ~~(e)~~ (d) The Executive Director or his designee may issue Trophy Wildlife Sale permits as authorized in G.S. 113-274
23 for the sale of lawfully taken and possessed individual dead wildlife specimens or their parts that are mounted, stuffed,
24 or otherwise permanently preserved that may be sold under G.S. 113-291.3. A copy of the permit shall be retained
25 with the specimen.

26 ~~(f)~~ (e) Raw hides from any lawfully-taken or possessed white-tailed deer may be sold.

27
28 *History Note: Authority G.S. 113-134; 113-273; 113-274; 113-276.2; 113-291.3; 113-337; 50 C.F.R. 20.91;*
29 *Eff. November 9, 1980;*
30 *Amended Eff. May 1, 2014; August 1, 2002; April 1, 1991; February 1, 1990;*
31 *Temporary Amendment Eff. February 27, 2015;*
32 *Temporary Amendment Expired Eff. December 11, 2015;*
33 *Amended Eff. May 1, 2016;*
34 *Readopted Eff. October 1, 2022.*
35
36

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0120

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

On line 4, “game, fur-bearing, and” is unclear. Why is “fur-bearing” included here?

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0120 is readopted with changes as published in 36:22 NCR 1788 as follows:

2
3 **15A NCAC 10B .0120 TAKING ~~DEER AND BEAR~~ OF WILDLIFE WITH HANDGUNS**

4 Unless otherwise prohibited by law, handguns Handguns of any type may be used to take game, fur-bearing, and
5 nongame birds and animals as defined in G.S. 113-129 during the established open season for take with firearms or
6 trapping for each species. ~~deer and bear.~~ Ammunition of any type may be used ~~to take deer and bear,~~ unless otherwise
7 prohibited by state or federal law.

8
9 *History Note: Authority G.S. 113-134; 113-291.1;*
10 *Eff. October 1, 1983;*
11 *Amended Eff. August 1, 2014; June 1, 2005.*
12 *Readopted Eff. October 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0126

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Subparagraph (b)(1), "Paragraph (d) of this Rule" is referenced, but (d) has been deleted.

In Subparagraph (b)(2), add a comma after "novice hunters".

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0126 is readopted as published in 36:22 NCR 1789 as follows:

2
3 **15A NCAC 10B .0126 STATE HUNTING LICENSE EXEMPTIONS**

4 (a) Any governmental or non-profit entity conducting an organized hunting event may obtain from the Executive
5 Director or his designee, subject to the requirements in Paragraph (b) of this Rule, an exemption which allows all
6 participants in the event to hunt without first obtaining hunting licenses, but the participants must:

- 7 (1) comply with the hunter safety requirements of G.S. 113-270.1A or be accompanied by a properly
8 licensed adult who maintains a proximity to the license exempt individual which enables the adult
9 to monitor the activities of, and communicate with, the individual at all times;
10 (2) report all big game harvested as proscribed in Rule .0113 of this Section;
11 (3) obtain a certificate of participation in federal Harvest Information Program, if hunting migratory
12 game birds; and
13 (4) obtain a federal Migratory Bird Hunting and Conservation Stamp, if the participant is 16 years of
14 age or older and hunting waterfowl.

15 (b) The governmental or non-profit entity requesting a state hunting license exemption shall apply using a form
16 provided by the Commission and submit that form to the Chief of the Division of Wildlife Management not less than
17 21 days prior to the organized hunting event. A statement of purpose for the event must be attached to the completed
18 form. The Executive Director or his designee shall deny any request with a statement of purpose that is:

- 19 (1) inconsistent with the mission of the Wildlife Resources Commission as stated in Paragraph (d) of
20 this Rule; or
21 (2) for a purpose other than to promote hunting to youth, disabled people, novice hunters or lapsed
22 hunters.

23 (c) The person in charge of the event must be on-site at all times and have a copy of the exemption available for
24 inspection on request by Commission personnel. The exemption is limited to the immediate location of the event and
25 shall remain in effect for the time period specified on the exemption.

26 ~~(d) The mission of the N.C. Wildlife Resources Commission is to conserve North Carolina's wildlife resources and~~
27 ~~their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts~~
28 ~~to enjoy wildlife associated recreation.~~

29
30 *History Note: Authority G.S. 113-134; 113-270.2; 113-276; 113-276.1;*

31 *Eff. August 1, 2010;*

32 *Readopted Eff. October 1, 2022.*
33

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0127

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (c), a possession permit is referenced, but no information is given on how to obtain this permit or under what criteria/process this permit is obtained.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0127 is readopted as published in 36:22 NCR 1789-1790 as follows:

2
3 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

4 ~~(a) For wildlife killed accidentally or found dead of natural causes the following apply:~~

5 (1) ~~When a deer is Deer killed~~ accidentally killed on a road ~~or highway~~ by reason of collision with a
6 motor ~~vehicle~~, vehicle may be possessed and transported if authorization is obtained from the law
7 enforcement officer who investigates the ~~accident shall, upon request, authorize possession~~ accident.
8 Possession and transport of the deer carcass ~~of the deer~~ for personal and lawful use, including
9 delivery of the carcass to a second person for his or her private use or ~~the~~ use by a charitable
10 ~~organization. organization shall be authorized. Commission employees may authorize possession of~~
11 ~~any deer or turkey found dead of natural causes or as the result of a vehicle collision.~~

12 (b) Commission employees may authorize possession and transport of deer and turkey killed accidently or found dead.

13 (2) ~~Black bears shall not be possessed. Species listed as endangered, threatened, or of special concern~~
14 ~~under 15A NCAC 10I .0103, .0104, and .0105 may be possessed with written permission. Raptors~~
15 ~~and nongame migratory birds may be possessed under federal permits.~~

16 (c) Black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is
17 obtained from the Commission.

18 (d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105
19 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from
20 the Commission.

21 (e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal
22 permits obtained from the U.S. Fish and Wildlife Service.

23 (f) All other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

24 (3) ~~For all other wildlife resources possession shall be legal. The sale of any wildlife resources or~~
25 ~~wildlife parts found dead is prohibited, except licensed trappers and hunters may sell the carcasses~~
26 ~~or pelt of any beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk,~~
27 ~~weasel or bobcat to a licensed fur dealer if the dead furbearing animal was found during the open~~
28 ~~season for that species. Licensed trappers and hunters may also sell the carcasses carcasses or pelt~~
29 ~~of any fox to a licensed fur dealer if the dead fox was found during an open fox season and the~~
30 ~~county in which the fox was found allows for the sale of fox carcasses and pelts. All tagging~~
31 ~~requirements set forth in 15A NCAC 10B .0400 apply.~~

32 (g) The sale of any wildlife resources or wildlife parts from any animal killed accidentally or found dead is prohibited,
33 except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver, coyote,
34 groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or bobcat to a licensed fur dealer if the dead
35 furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the
36 carcasses, parts, or pelt of any fox to a licensed fur dealer if the dead fox was found during an open fox season and

1 the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. All tagging requirements set
2 forth in 15A NCAC 10B .0400 apply.

3
4 *History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4; 113-331; 113-333; 113-337;*
5 *Eff. January 1, 2013;*
6 *Readopted Eff. October 1, 2022.*
7

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0212

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (c), remove the period after “(c)”.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0212 is readopted as published in 36:22 NCR 1790 as follows:

2
3 **15A NCAC 10B .0212 FOXES (GRAY AND RED)**

4 ~~(a) Fox Season:~~

5 (1) ~~There shall be no closed season on taking foxes with dogs, except on Bladen Lakes State Forest~~
6 ~~Game Land from March 15 through July 15;~~

7 (2) ~~Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following~~
8 ~~counties:~~

9
10 ~~Caswell ———— Henderson~~

11 ~~Clay ———— Macon~~

12 ~~Graham ———— Tyrrell~~

13
14 (3) ~~Foxes may be taken the Saturday before Thanksgiving Day through January 1 using archery~~
15 ~~equipment in all areas of the State east of Interstate Highway 77 and in Mitchell County.~~

16 (a) Foxes may be taken with weapons or traps the first through fourth Saturday in January in the following counties:

17 (1) Caswell

18 (2) Clay

19 (3) Graham

20 (4) Henderson

21 (5) Macon

22 (6) Tyrell

23 ~~(b) Bag Limit for Foxes:~~

24 (1) ~~Except in areas of open season for taking foxes with weapons or traps, foxes shall not be~~
25 ~~intentionally killed by any method;~~

26 (2) ~~For areas of open season detailed in Subparagraph (a)(2) and (a)(3) of this Rule, the following bag~~
27 ~~limit applies: the daily limit is two; and the season limit is 10.~~

28 (b) The season for pursuing or taking foxes with dogs on Bladen Lakes State Forest Game Land is August 2 through
29 February 14.

30 (c). Foxes may be taken the Saturday before Thanksgiving Day through January 1 using archery equipment in all areas
31 of the State east of Interstate Highway 77 and in Mitchell County.

32 (d) For areas of open season detailed in Subparagraph (a) through (c), the daily limit is two; and the season limit is
33 10.

34 ~~(e) Where local laws governing the taking of foxes conflict with this Rule, local laws shall prevail.~~

35 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.4; 113-291.4A;*

36 *Eff. February 1, 1976;*

37 *Amended Eff. July 1, 1987; December 1, 1985;*

1 *Temporary Amendment Eff. November 1, 1989;*
2 *Amended Eff. July 1, 1994; May 1, 1990;*
3 *Temporary Amendment Eff. July 1, 1999;*
4 *Amended Eff. August 1, 2018; May 1, 2009; July 1, 2000.*
5 *Readopted Eff. October 1, 2022.*
6

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0223

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (c), a permit is referenced, but no information is given on how to obtain this permit or under what criteria/process this permit is obtained.

The paragraphs on lines 13 and 14 are not listed correctly. They should be (d) and (e), respectively.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0223 is readopted as published in 36:22 NCR 1790 as follows:

2
3 **15A NCAC 10B .0223 FERAL SWINE**

4 (a) ~~This Rule applies to hunting feral swine. There is no closed season for taking feral swine. swine Feral swine may~~
5 ~~be taken on private lands anytime during the day or night. Feral swine may be taken on public lands without a permit~~
6 ~~from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to~~
7 ~~one-half hour before sunrise by permit only.~~

8 (b) Feral swine may be taken on game lands from the hours of one-half hour before sunrise until one-half hour after
9 sunset during the open season for any game animal or game bird using any legal manner of take allowed during those
10 seasons.

11 (c) Feral swine may be taken on game lands from one-half hour after sunset to one-half hour before sunrise by permit
12 only.

13 (b) There are no bag ~~limit~~ limits ~~restrictions~~ on feral swine.

14 (c) Hunters may use artificial lights and electronic calls.

15
16 *History Note: Authority G.S. 113-129; 113-134; 113-264; 113-291; 113-291.1; 113-291.2;*
17 *Temporary Adoption Eff. October 1, 2011;*
18 *Eff. February 1, 2012;*
19 *Temporary Amendment Eff. August 1, 2012;*
20 *Amended Eff. August 1, 2015; March 21, 2013;*
21 *Readopted Eff. October 1, 2022.*
22

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0305

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (a), a comma is needed after “steel-jaw”.

Each Subparagraph under (b) should begin with a lower-case letter and end with a semicolon. Subparagraph (b)(5) should end with a semicolon and “and”.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0305 is readopted as published in 36:22 NCR 1791 as follows:

2
3 **15A NCAC 10B .0305 TRAPS**

4 (a) A foothold, steel-jaw or leghold trap set on dry land with a solid anchor shall not have a chain longer than eight
5 inches unless the chain is fitted with a shock-absorbing device with at least 40 pounds and no more than 75 pounds of
6 pressure to stretch or compress the device.

7 (b) A Collarum™-type trap shall:

- 8 (1) Have a cable that is ~~3/16th~~ 3/16 inch in diameter, a loop stop with a minimum loop diameter of three
9 inches, a relaxing lock, and a breakaway device that has been tested to break or disassemble at no
10 more than 285 pounds of pull.
11 (2) Have a set capture loop no less than 10 inches and no greater than 12 inches in diameter.
12 (3) Be equipped with at least one swivel device between the loop and the anchor.
13 (4) Be staked in a manner that does not allow the animal or the restraint device to reach any part of a
14 fence or reach rooted, woody vegetation greater than $\frac{1}{2}$ one-half inch in diameter.
15 (5) Not be set using a ~~drag drag, or used with a kill pole.~~
16 (6) Not be used with a kill pole.

17
18 *History Note: Authority G.S. 113-134; 113-291.6;*

19 *Eff. May 1, 2007;*

20 *Recodified from Rule 10B .0304 Eff. January 1, 2011;*

21 *Amended Eff. January 1, 2011;*

22 *Readopted Eff. October 1, 2022.*
23

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0401

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Each Item should end with a period.

In Item (4), place a comma after "hide" at the end of line 12.

In Item (5), "corporation" is written twice.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0401 is readopted as published in 36:22 NCR 1791 as follows:

2
3 **15A NCAC 10B .0401 DEFINITIONS**

4 As used in this Section, the following definitions shall apply:

- 5 (1) "Affix", when used in reference to attachment of a fur tag to the carcass or pelt of an animal, means
6 permanent attachment of the tag through some portion of the carcass or pelt in ~~such~~ a manner ~~as not~~
7 ~~to be~~ that is not removable without damage to the tag;
- 8 (2) "Carcass" means the dead body of an animal from which the pelt ~~thereof~~ has not been removed;
- 9 (3) "Fur dealer" means any person who is licensed under the provisions of G.S. 113-273(f); ~~Paragraph~~
10 ~~(f) of Section 113-273 of the General Statutes of North Carolina;~~
- 11 (4) "Pelt" means the fur, hide, or skin of an animal which has been removed from the ~~carcass thereof,~~
12 carcass, but does not include a finished product which has been manufactured from such fur, hide
13 or skin or is in the active process of such manufacture;
- 14 (5) "Person" means any individual, firm, corporation corporation, or association which is authorized by
15 law to act as an entity.
- 16 (6) "Parts" means any part or portion from the dead body of an animal, including the meat, glands,
17 urine, skull, and dead body of the animal without the pelt.

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21 *History Note: Authority G.S. 113-129; 113-134; 113-273; 113-291.4;*
22 *Eff. November 14, 1978;*
23 *Amended Eff. January 1, 1992; August 1, 1981; October 1, 1980;*
24 *Readopted Eff. October 1, 2022.*
25

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0404

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (b), line 7, "state" should be capitalized if North Carolina is being referred to.

In Subparagraph (b)(3), a comma is needed after "pelt".

In Subparagraph (b)(5), a licensed taxidermist may ship what? Please state exactly what can be shipped.

Please remove the semicolon after "traps" in Paragraph (d).

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: September 7, 2022

1 15A NCAC 10B .0404 is readopted as published in 36:22 NCR 1791-1792 as follows:

2
3 **15A NCAC 10B .0404 TRAPPERS AND HUNTERS TAGGING**

4 (a) Every fox taken in an area of open season as provided by G.S. 113-291.4 shall be tagged at the scene of taking.

5 (b) Every person taking any bobcat or otter in this State, or any foxes under a depredation permit, general statute,
6 rule, or local law that permits taking, shall obtain and affix the appropriate tag to ~~each the~~ carcass or pelt before selling,
7 transferring, or transporting within or outside the state, selling or transferring the same to any person or transporting
8 the same for any purpose, except that:

9 (1) A person may transport the same from the place of taking to his North Carolina residence and from
10 his North Carolina residence to a fur tag agent or taxidermist's place of business.

11 (2) A person may transport the same from the place of taking to the nearest place in this State where
12 the appropriate tag may be obtained.

13 (3) The carcass, pelt or mounted specimen is exempt from tagging requirements while in the
14 taxidermist's place of business or after the mount is completed.

15 (4) A licensed trapper may take live foxes during any legal trapping season, except foxes taken under
16 G.S. ~~113-291.4,~~ 113-291.4 (f) and (f1), without tagging them and sell them to a licensed controlled
17 hunting preserve for fox in accordance with G.S. 113-273(g).

18 (5) A licensed taxidermist may ship to a tannery for processing.

19 ~~No carcass or pelt of any bobcat, otter or fox taken within this State may be removed from the state without an~~
20 ~~appropriate fur tag having been affixed thereto, except a licensed taxidermist may ship the same to a tannery for~~
21 ~~processing. Any carcass or pelt remaining in a person's possession after the end of the season, except those in a~~
22 ~~licensed taxidermist's place of business or his or her taxidermy preservation facility, shall be properly tagged by him~~
23 ~~or her within 30 days following the close of such season, provided that no tags shall be shipped from the~~
24 ~~Commission to a person 23 consecutive days from the close of the season. When the U.S. Fish and Wildlife Service~~
25 ~~repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

26 ~~(c) In any case where the taking of foxes with weapons or traps and the sale thereof is authorized by local legislation,~~
27 ~~except live foxes taken by licensed trappers who live trap foxes for sale during any open season, the hunter or trapper~~
28 ~~taking any such fox shall, in the absence of a specific provision to the contrary, obtain and affix the carcass or pelt~~
29 ~~with an appropriate tag before selling or transferring the same to any other person, or transporting the same for any~~
30 ~~purpose than as authorized by Paragraph (a) of this Rule.~~

31 (c) Carcasses and pelts of bobcats, otters, and foxes taken within this State shall not be removed from the state
32 without an appropriate fur tag affixed thereto, except a licensed taxidermist may ship the same to a tannery for
33 processing. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this
34 Paragraph shall apply only to tagging foxes.

35 (d) Where the taking of foxes with weapons or traps, and the sale thereof is authorized by local legislation, except
36 foxes taken by licensed trappers who live-trap for sale during any open season, the hunter or trapper taking the fox
37 shall, in the absence of a specific provision to the contrary, obtain and affix the carcass or pelt with an appropriate

1 tag before selling or transferring to any other person, or transporting the same for any purpose than as authorized by
2 Paragraph (a) of this Rule.

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5 *History Note: Authority G.S. 113-134; 113-276.1; 113-291.4; S.L. 1985, chs. 108, 179, 180, 664 and 722;*
6 *Eff. November 14, 1978;*
7 *Amended Eff. August 1, 2015; August 1, 2010; July 10, 2010; May 1, 2008; July 1, 1994; January*
8 *1, 1992; December 1, 1985; October 1, 1980.*
9 *Readopted Eff. October 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0405

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (e), a period is needed at the end.

In Paragraph (g), the comma after "possession" is unnecessary and a comma is needed after "otter".

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0405 is readopted as published in 36:22 NCR 1792-1793 as follows:

2
3 **15A NCAC 10B .0405 FUR DEALERS**

4 ~~(a) It is unlawful for any fur dealer licensed or otherwise authorized to deal in furs in this State, or any person or agent~~
5 ~~acting in his behalf, to buy or accept delivery from any person the carcass or pelt of any fox taken within the State~~
6 ~~which has not been previously affixed with a tag provided by the North Carolina Wildlife Resources Commission as~~
7 ~~required by this Section.~~

8 ~~(b) It is unlawful for any fur dealer to import into this State the carcass or pelt of any otter or bobcat which has not~~
9 ~~been previously affixed with a tag required and supplied by the state in which the animal was taken. It is unlawful for~~
10 ~~any fur dealer, or agent of a fur dealer, to import into this State or to accept delivery of a carcass or pelt of any fox~~
11 ~~from a source located in any other state which does not by law or regulation require tagging of such carcasses or pelts,~~
12 ~~or a carcass or pelt of any fox which has not been tagged in accordance with the tagging requirements of the state from~~
13 ~~which it is imported, unless documentation of the date and hour of the arrival of such carcass or pelt at such fur dealer's~~
14 ~~place of business is available for inspection and such carcass or pelt is affixed with a fur tag provided by the North~~
15 ~~Carolina Wildlife Resources Commission within seven days after the date and hour of such arrival. No such carcass~~
16 ~~or pelt shall be resold or removed from such fur dealer's place of business without having been tagged as required by~~
17 ~~this Section. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this~~
18 ~~Paragraph shall apply only to tagging foxes.~~

19 ~~(c) Any fur dealer or agent of a fur dealer authorized to do business in this State may import and accept delivery in~~
20 ~~this State of the carcass or pelt of any bobcat, otter or fox which has been affixed with a tag when and as required by~~
21 ~~the laws or regulations of the state from which such carcass or pelt is imported. When the U.S. Fish and Wildlife~~
22 ~~Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

23 ~~(d) Except as provided by Paragraph (b) of this Rule, it is unlawful for any fur dealer licensed to do business in this~~
24 ~~State to have in possession the carcass or pelt of any bobcat, otter or fox which has not been affixed with a fur tag~~
25 ~~provided by the North Carolina Wildlife Resources Commission or a tag required by the laws or regulations of the~~
26 ~~state from which the same was imported. When the U.S. Fish and Wildlife Service repeals its tagging requirements~~
27 ~~for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

28 ~~(e) Each fur dealer licensed to do business in this State shall maintain records of all acquisitions of carcasses and pelts~~
29 ~~of beaver, bobcat, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel, and foxes. Such records shall consist~~
30 ~~of receipts, copies of receipts, or other written evidence of the transactions showing the sources and numbers of~~
31 ~~acquisition. Each fur dealer shall provide the Wildlife Resources Commission with monthly reports, made on forms~~
32 ~~supplied by the Commission, summarizing all acquisitions of carcasses and pelts of such animals, except those which~~
33 ~~have been acquired from and reported by other fur dealers licensed by the State. The reports shall include all such~~
34 ~~acquisitions made during each month beginning with October and ending with March of the following year; shall~~
35 ~~distinguish between acquisitions made within the State and those made from without the State; and, if acquired from~~
36 ~~within the State, shall indicate the counties in which the animals were taken. The report covering each month shall be~~
37 ~~mailed or delivered to the Commission on or before the 15th day of the next succeeding month. The records required~~

1 ~~by this Paragraph and the inventory of carcasses and pelts on hand shall be made available for inspection by any~~
2 ~~officer or representative of the Wildlife Resources Commission upon request at all reasonable times. In the case of~~
3 ~~nonresident fur dealers licensed to do business in this State, the records and reports required by this Paragraph apply~~
4 ~~only to carcasses or pelts of animals acquired from within this State, and no reports are required from nonresident fur~~
5 ~~dealers who acquire pelts only from other fur dealers licensed in the State.~~

6 (a) Any individual wanting to engage in the business of buying or selling fur-bearing animals or other wild animals
7 that may lawfully be sold, as specified in G.S. 113-273(f), shall first obtain a fur dealer license from the Commission.

8 (b) Application for a fur dealer license shall be made online at www.ncwildlife.org or at the Commission headquarters
9 located at 1751 Varsity Drive, Raleigh, NC 27606. Information required from the applicant shall include:

10 (1) the applicant's name, address, telephone number, date of birth; and

11 (2) a list of all employees to be covered under the license.

12 (c) The fur dealer license shall not be transferable.

13 (d) Any individual working on behalf of the licensed fur dealer shall have a copy of the fur dealer's current license.

14 (e) It is unlawful for any fur dealer, or person acting on his or her behalf, to import, buy, or accept delivery of a carcass
15 or pelt of any fur-bearing animal or other wild animal from a source located in any other state that has not been affixed
16 with a tag in accordance with the tagging requirements of the state from which the animal was taken, unless
17 documentation of the date and hour of the arrival of such carcass or pelt at the fur dealer's place of business is available
18 for inspection

19 (f) Imported carcasses and pelts shall not be resold or removed from a fur dealer's place of business without having
20 been tagged as required by Paragraph (e) of this Rule.

21 (g) Except as provided by Paragraph (e) of this Rule, it is unlawful for any licensed fur dealer to have in his or her
22 possession, the carcass or pelt of any bobcat, otter or fox which has not been affixed with a fur tag provided by the
23 Commission unless the fox was taken from a county exempt from fox tagging requirements.

24 (h) Licensed fur dealers shall maintain records of all acquisitions of carcasses and pelts of beaver, bobcat, coyote,
25 mink, muskrat, nutria, opossum, otter, raccoon, striped skunk, spotted skunk, weasel, and foxes. Such records shall
26 consist of receipts, copies of receipts, or other written evidence of the transactions showing the sources and numbers
27 of acquisition.

28 (i) Monthly reports shall be submitted to the Commission on or before the 15th day of the succeeding month on forms
29 supplied by the Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive,
30 Raleigh, NC 27606-2576. Reports shall include the following:

31 (1) all acquisitions of carcasses and pelts, except those which have been acquired from and reported by
32 other fur dealers licensed by the State;

33 (2) all acquisitions made during each month beginning with October and ending with March of the
34 following year;

35 (3) distinguishment between acquisitions made within the State and those made from outside the State;
36 and

37 (4) counties in which the animals were taken if within the State.

1 In the case of nonresident fur dealers licensed to do business in this State, the records and reports required by this
2 Paragraph apply only to carcasses or pelts of animals acquired from within this State, and no reports are required from
3 nonresident fur dealers who acquire pelts only from other fur dealers licensed in the State.

4 (j) The records required by Paragraph (i) of this Rule and the inventory of carcasses and pelts on hand shall be made
5 available for inspection by representatives of the Commission upon request or during the fur dealer's business hours.

6 ~~(f) The tagging requirements of Paragraph (a) of Rule .0402 of this Section and of Paragraphs (b) and (d) of this Rule~~
7 ~~do not apply to the pelts or furs of foxes that are imported into this State by a fur dealer operating under a valid North~~
8 ~~Carolina Fur Dealer Station License at a fixed place of business or to such pelts or furs delivered to the place of~~
9 ~~business of such fur dealer by a seller from another state provided that the following conditions are satisfied:~~

10 (1) ~~the nonresident seller is a licensed fur dealer in the state from which the pelts or furs originated;~~

11 (2) ~~the resident dealer has available for inspection a dated, signed bill of sale indicating the precise~~
12 ~~number of green pelts and dry pelts of fox purchased in each lot of imported fur; the name, address,~~
13 ~~and fur dealer license number of the seller; and the date of arrival of the lot of pelts at the licensed~~
14 ~~place of business;~~

15 (3) ~~imported green pelts of fox are kept separate from the green pelts of native fox during processing~~
16 ~~and are readily identifiable as to imported lot number and bill of sale;~~

17 (4) ~~imported dry pelts of fox are not batched with native dry pelts of fox unless such pelts are marked~~
18 ~~in a manner that readily identifies them as to imported lot number and bill of sale;~~

19 (5) ~~such imported, untagged pelts of fox are imported, processed, and stored only for sale and export to~~
20 ~~buyers in other states; and~~

21 (6) ~~such imported, untagged pelts of fox are not held on the premises for longer than 21 days from the~~
22 ~~date of arrival without having been tagged as required by Rule .0402(a) of this Section.~~

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26 *History Note: Authority G.S. 113-129; 113-134; 113-273; 113-291.3; 113-291.4; 50 C.F.R. 23; 87 Stat. 884;*
27 *Eff. November 14, 1978;*
28 *Amended Eff. August 1, 2010; January 1, 1992; December 1, 1981; August 1, 1981; February 2,*
29 *1981.*
30 *Readopted Eff. October 1, 2022.*
31
32

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0406

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In Paragraph (b), "it" should be capitalized at the beginning of the sentence.

Paragraph (c) ends with the same language in Paragraph (d). This should only be stated once.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10B .0406 is readopted as published in 36:22 NCR 1793-1794 as follows:

2
3 **15A NCAC 10B .0406 MISUSE OF TAGS**

4 ~~(a) It is unlawful for any person to affix any fur tag~~ Fur tags shall only be affixed to the carcass or pelt of ~~any the~~
5 species of animal ~~other than that for which its~~ their use is ~~authorized~~ authorized, and it is unlawful to buy or sell any
6 bobcat, otter, or fox carcass or pelt which has an unauthorized tag so affixed. When the U.S. Fish and Wildlife Service
7 repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.

8 (b) it is unlawful to buy or sell any bobcat, otter, or fox carcass or pelt that has an unauthorized tag affixed.

9 ~~(b) (c) It is unlawful for any person to sell or transfer any unused~~ Unused fox tag tags shall not be sold or transferred
10 to any other person. It is unlawful for any person to sell any unused fur tag for a price greater than the fee listed for
11 such tag in Paragraph (c) of Rule .0403 of this Section.

12 (d) Unused fur tags shall not be sold for a price greater than the fee listed for such tag in Paragraph (c) of Rule .0403
13 of this Section.

14 ~~(e) (e) Fur tags shall not be reused or removed from~~ It is unlawful for any person to reuse a fur tag or to remove the
15 ~~same from~~ the pelt to which they are affixed prior to delivery to a manufacturer or fur processor.

16 ~~(d) (f) It is unlawful to counterfeit or modify any fur tag.~~ Fur tags shall not be counterfeit or modified.

17
18 *History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-273; 113-276.1; 113-291.4;*

19 *Eff. November 14, 1978;*

20 *Amended Eff. August 1, 2017; August 1, 2010; January 1, 1992; December 1, 1981; October 1,*
21 *1980;*

22 *Readopted Eff. October 1, 2022.*
23

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0208

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In each Subparagraph of Paragraph (a), to be consistent with other rules, the latitude/longitude locations should probably be stylized as “35.403687 N, 82.531970 W”, etc.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10C .0208 is readopted as published in the 36:22 NCR 1784 as follows:

2
3 **15A NCAC 10C .0208 SPAWNING AREAS**

4 ~~The following waters are designated as spawning areas in which fishing is prohibited or restricted as indicated:~~

5 ~~(1) No person shall fish by any method from February 15 to April 15, both inclusive, in Linville River~~
6 ~~from the NC 126 bridge downstream to the mouth of the Linville River.~~

7 ~~(2) No person shall fish by any method within the bypass channel constructed by the U.S. Army Corps of~~
8 ~~Engineers around Lock and Dam No. 1 on the Cape Fear River at any time.~~

9 (a) No person shall fish by any method from March 1 to May 31 in the following restored floodplain sloughs connected
10 to the French Broad River and Mud Creek in Henderson County:

11 (1) Slough 1 at 35.403687, -82.531970 connected to the French Broad River, located 0.25 miles upstream
12 of Butler Bridge Rd (SR 1345).

13 (2) Slough 2 at 35.398380, -82.528750 connected to the French Broad River, located 1.0 miles upstream
14 of Butler Bridge Rd.

15 (3) Slough 3 at 35.396449, -82.525462 connected to Mud Creek, located 0.1 miles upstream from
16 confluence with the French Broad River.

17 (b) Each slough shall be marked with signs on both banks.

18
19 *History Note: Authority G.S. 113-134; 113-292;*

20 *Eff. February 1, 1976;*

21 *Amended Eff. May 1, 2009; August 1, 2004; July 1, 1993; July 1, 1989; July 1, 1985; July 1, 1984.*

22 *Readopted Eff. October 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1510

DEADLINE FOR RECEIPT: Monday, September 12, 2022

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

The formatting for this rule submission is incorrect. Please fix.

Please retype the rule accordingly and resubmit it to our office electronically.

1 15A NCAC 10H .1510 is adopted as published in the 36:22 NCR 1784 as follows:

2
3 **15A NCAC 10H .1510 Wildlife Control Technician Certification Eligibility and Requirements**

4 (a) The following definitions shall apply in this Section:

- 5 (1) “Wildlife control technician” or “WCT” means an individual that holds a current and valid wildlife
6 control technician certification issued by the Commission.
- 7 (2) “Wildlife control technician certification” or “WCT certification” means a certification issued by the
8 Commission that authorizes an individual to engage in wildlife control or wildlife removal activities, for
9 compensation, including reimbursement for the cost of materials, under the supervision of a licensed
10 wildlife control agent.
- 11 (3) “Direct supervision” means to physically be within one’s presence while maintaining visual and verbal
12 contact.
- 13 (4) “Wildlife damage control” and “wildlife removal activities” means and includes:
14 (A) bat eviction and alligator damage control or removal activities;
15 (B) setting and moving traps;
16 (C) euthanasia; and
17 (D) issuing depredation permits in accordance with the applicable provision and requirements of
18 15A NCAC 10H .1502

19 (b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, without
20 first obtaining a WCT certification from the Commission, except that licensed trappers taking wild animals during the
21 applicable open trapping season for that species shall not be required to obtain a WCT certification.

22 (c) Wildlife control technicians may only perform the following wildlife control or removal activities under direct
23 supervision of a licensed WCA, or certified Alligator Control Agent if applicable:

- 24 (1) placement of traps;
25 (2) euthanasia of wildlife;
26 (3) bat evictions; and
27 (4) alligator removal or relocation.

28 (d) Wildlife control technicians shall not issue depredation permits.

29 (e) Individuals shall complete a Commission-approved, WCT training course, that reviews wildlife laws and rules,
30 including methods for trapping, capture, and safe and humane wildlife handling to qualify for a WCT certification.

31 (f) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information
32 shall include the following:

- 33 (1) the applicant's name, mailing address, email address, residence address, telephone number, driver's
34 license number, and date of birth; and
35 (2) organizational affiliation, if applicable.

36 (g) A WCT certification shall not be transferable between individuals.

37 History Note: Authority G.S. 113-134; 113-273; 113-274

38 Eff. October 1, 2022.