



**EMERGENCY RULE-MAKING  
FINDINGS OF NEED  
[G.S. 150B-21.1A]**

**OAH USE ONLY**

**VOLUME:**

**ISSUE:**

<b>1. Rule-Making Agency:</b> North Carolina Wildlife Resources Commission	
<b>2. Rule citation(s):</b> 15A NCAC 10D .0229 – Goose Creek Game Land in Beaufort and Pamlico Counties	
<b>3. Adoption by agency on:</b> 9/13/22	<b>4. Date agency requests entry of emergency rule in the Code:</b> 10/1/22
<b>5. What is the need for an emergency rule?</b> This rule was adopted by the agency, approved by the Rules Review Commission in August, and is currently subject to legislative review. On October 1, 2022 Goose Creek game land will have no regulations in place.  An emergency rule is necessary for the Commission to maintain hunting seasons, activities, and management of this game land.	
<b>6. Has the agency provided the public with abbreviated notice? If so, describe.</b> Notice of the emergency rule will be emailed to our interested persons list and placed on our website when the rule becomes effective.	
<b>7. Why is adherence to notice and hearing requirements contrary to the public interest and that the immediate adoption of the rule required by a serious and unforeseen threat to the public health or safety?</b> Adherence to notice and hearing requirements are contrary to public interest because regulations need to be in place on Goose Creek game land when the most recent version of 15A NCAC 10D .0103 becomes effective on October 1. Without an emergency rule, this game land will have no regulations. Management of this area is necessary to ensure the safety of users and conservation of wildlife resources.	

[Emergency Rule-making Findings of Need Continued]

8. Does the agency have specific statutory authority for the adoption of an emergency rule? If so, has the agency met the statutory criteria for adoption? (attach copy of statutory authority)

No

9. Has the agency submitted the proposed temporary rule for publication on the Internet in accordance with G.S. 150B-21.1(a3)?

- Yes  
 No

10. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes  
Agency submitted request for consultation on:  
Consultation not required. Cite authority:
- No

11. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: Carrie.ruhlman@ncwildlife.org

Agency contact, if any: Ashley Pekrul

Phone: 919-707-0014

E-Mail: Ashley.pekrul@ncwildlife.org

12. Signature of Agency Head\*:



\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

REVIEW BY THE CODIFIER OF RULES

Approved. Entered into the North Carolina Administrative Code on: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Comments:

Statement does not meet the criteria.

Reviewed By: Ashley Saucy  
Date: 9-14-22

Comments: See attached letter.

1 **15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES**

2 Goose Creek game land is a Seven Days per Week Area, in which the following applies:

- 3 (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- 4 (2) Except as provided in 15A NCAC 10D .0103 (d)(2), waterfowl in posted waterfowl impoundments shall be  
5 taken only on the following days:
- 6 (a) the opening and closing days of the applicable waterfowl seasons;
- 7 (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- 8 (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 9 (3) Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons,  
10 waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell  
11 Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- 12 (4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except  
13 waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are  
14 restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- 15 (5) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in  
16 areas both designated and posted as camping areas.
- 17 (6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1  
18 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- 19 (7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the  
20 Beaufort County portion north of NC 33 except for that portion east of Smith Creek and south of Campbell  
21 Creek.
- 22 (8) Bear shall not be harvested on Sunday.

23

24 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
25 *Emergency Adoption Eff. October 1, 2022.*  
26



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

September 14, 2022

Chairman Monty R. Crump  
Wildlife Resources Commission  
**Sent via email only: [monty@gorockingham.com](mailto:monty@gorockingham.com)**

Re: Emergency Rule Filing, 15A NCAC 10D .0229

Dear Chairman Crump:

G.S. 150B-21.1A sets forth a two-part test to engage in emergency rulemaking: (1) adherence to the notice and hearing requirements of G.S. 150B, Article 2A, Part 2 are contrary to the public interest and (2) the immediate adoption of the rule is required by a serious and unforeseen threat to the public health or safety. I find the rule filed by the Wildlife Resource Commission ("WRC") does not meet the criteria required in G.S. 150B-21.1A.

15A NCAC 10D .0229 was proposed as a permanent rule and approved by the Rules Review Commission at its August meeting. The rule was one of a group of related rule changes proposed by the agency at the same time, namely moving contents of 15A NCAC 10D .0103 into separate rules. 15A NCAC 10D .0229 recieved at least ten letters of objection, subjecting it to legislative review and a delayed effective date in accordance with G.S. 150B-21.3. As a result, the effective date of this rule did not line up with the others in the filings approved by RRC in August, leaving Goose Creek Game Land entirely unregulated.

The agency failed to show the notice and hearing requirements of temporary and permanent rulemaking are contrary to the public interest. The agency originally proposed this rule as a permanent rule, going through public notice and comment and RRC review. Members of the public engaged in the rulemaking process and filed at least ten letters of objection. In other words, the public's involvement in the rulemaking process directly resulted in the delayed effective date. Approval of an emergency rule would override the public's request for a delayed effective date and

**Donald R. van der Vaart**, Director  
Chief Administrative Law Judge

**Fred G. Morrison, Jr.**  
Senior Administrative Law Judge

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legislative review. If this emergency rule were approved, agencies may be encouraged to use emergency rulemaking to override the legislative review process in the future. As a result, the proposed emergency rule fails the first part of the test.

Since the filing fails the first part of the test, there is no need to engage in any further analysis. The rule filed by WRC does not meet the criteria for emergency rulemaking required in G.S. 150B-21.1A. Please respond to this letter in accordance with the provisions of G.S. 150B-21.1A(b).

Sincerely,

A handwritten signature in cursive script that reads "Ashley Snyder".

Ashley Snyder  
Codifier of Rules

cc: Carrie Ruhlman, [carrie.ruhlman@ncwildlife.org](mailto:carrie.ruhlman@ncwildlife.org)  
Ashley Pekrul, [ashley.pekrul@ncwildlife.org](mailto:ashley.pekrul@ncwildlife.org)