



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name: 15A NCAC 10B .0503 – Surveillance Area	
3. Action: <input checked="checked" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No Effective date: 8/19/22	
5. Provide dates for the following actions as applicable: <ul style="list-style-type: none">a. Proposed Temporary Rule submitted to OAH: 8/19/22b. Proposed Temporary Rule published on the OAH website: 8/23/22c. Public Hearing date: 9/13/22d. Comment Period: 8/19/22-9/16/22e. Notice pursuant to G.S. 150B-21.1(a3)(2): 8/19/22f. Adoption by agency on: 10/20/22g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 11/25/22h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <ul style="list-style-type: none"><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.<input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date:<input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:<input type="checkbox"/> A recent federal regulation. Cite: Effective date:<input type="checkbox"/> A recent court order. Cite order:<input type="checkbox"/> State Medical Facilities Plan.<input checked="checked" type="checkbox"/> Other: G.S. 150B-21.1(a)(7)b <p>Explain: A temporary amendment is needed to replace the emergency amendment addressing the use of natural deer excretions from hunter-harvested deer in the CWD surveillance area during the 2022-2023 hunting season. Prohibiting possession and use of these substances will aid in the detection and reduce movement of CWD in the surveillance area.</p>	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Per SL 2012-176, the use of excretions from a NC harvested cervid as an attractant to take cervids throughout the state is allowed, however this creates the potential for the prions that cause chronic wasting disease (CWD) to potentially move to uninfected areas.

This rule will prohibit the use of cervid excretions from deer harvested in the area known to have CWD and reduce the potential for further spread of the irreversible disease to unaffected areas of the state, providing necessary protections to the public and the wild cervid population now and in the future. While not known to spread to humans, the CDC does not recommend eating a deer that has tested positive for CWD.

The first confirmed case of CWD in North Carolina was detected on March 31, 2022. At this time, two other cases have been confirmed. The prohibition on possession and use of excretions from hunter harvested deer in the surveillance area is necessary to assist the agency with efforts in the surveillance area to control spread of CWD.

8. 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

9. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: carrie.ruhlman@ncwildlife.org

10. 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

Agency contact, if any: Ashley Pekrul

Phone: 919-707-0014

E-Mail: ashley.pekrul@ncwildlife.org

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 15A NCAC 10B .0503 is proposed for amendment under temporary procedures as follows:

2
3 **15A NCAC 10B .0503 SURVEILLANCE AREA**

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

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

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

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

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

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

- 25 (1) [~~Products~~] products containing synthetic analogs of cervid excretions and labeled as [~~such.~~] such;
- 26 (2) [~~Natural~~] natural substances collected from facilities within North Carolina that have a valid Farmed
27 Cervid License from the North Carolina Department of Agriculture and Consumer Services and are
28 labeled as [~~such.~~] such;
- 29 (3) [~~Natural~~] natural deer urine products containing excretions from facilities within North Carolina that
30 have a valid Farmed Cervid License from the North Carolina Department of Agriculture and
31 Consumer Services and are labeled as [~~such.~~] such; and
- 32 (4) [~~Natural~~] natural deer urine products containing excretions from facilities that meet all the following
33 requirements and are labeled as such:
 - 34 (A) [~~Determined~~] determined to be free of chronic wasting disease (CWD) based on testing by
35 an independent laboratory using a method that may help detect the presence of CWD
36 [~~prions.~~] prions;

- 37 (B) ~~[Complies]~~complies with a federally approved CWD herd certification program and any
38 federal CWD ~~[protocols,]~~ protocols; and
39 (C) ~~[Participates]~~participates in additional herd management requirements as specified by the
40 Wildlife Resources Commission.

41

42 *History Note: Authority G.S. 113-134; 113-306;*
43 *Temporary Adoption Eff. July 1, 2022.*
44 *Emergency Amendment Eff. September 1, 2022.*
45 *Temporary Amendment Eff. November 25, 2022.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Wildlife Resources Commission
2. Rule citation & name: 15A NCAC 10D .0229 Goose Creek Game Land in Beaufort and Pamlico Counties
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 9/13/22 b. Proposed Temporary Rule published on the OAH website: 9/16/22 c. Public Hearing date: 9/30/22 d. Comment Period: 9/14/22-10/7/22 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 9/14/22 f. Adoption by agency on: 11/3/22 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 12/1/22 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b, 150B-21.3(b2)
Explain: The WRC adopted this rule in February of 2022. The rule was approved by the RRC in August of 2022 and received more than 10 letters of objection. A temporary rule is necessary to manage activities on this game land in the 2022-2023 seasons.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Permanent rulemaking is contrary to public interest, as changes need to be in place for the 2022-2023 hunting seasons. To effectively manage and maintain wildlife resources and to avoid confusion within the regulated public, the agency is adopting this rule under temporary procedures as authorized by G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b.

8. 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

9. 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

10. 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

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 15A NCAC 10D .0229 is adopted under temporary procedures as follows:

2
3 **15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES**

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

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

26
27 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

28 *Temporary Adoption Eff. December 1, 2022.*

29



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Wildlife Resources Commission
2. Rule citation & name: 15A NCAC 10D .0232 Gull Rock Game Land in Hyde County
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 9/13/22 b. Proposed Temporary Rule published on the OAH website: 9/16/22 c. Public Hearing date: 9/30/22 d. Comment Period: 9/14/22-10/7/22 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 9/14/22 f. Adoption by agency on: 11/3/22 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 12/1/22 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b.
Explain: This rule was adopted as part of the 2022-2023 annual rulemaking cycle. During technical corrections, a typographical error was made removing “Tuesday” from the December Bear Season. Temporary rulemaking is required to accurately set open days of the December bear season on Gull Rock game land.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Permanent rulemaking is contrary to public interest, as changes need to be in place for the December 2022 bear season. To effectively manage this resources and to avoid confusion within the regulated public, the agency is adopting this rule under temporary procedures as authorized by G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b.

8. 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

9. Rule-making Coordinator: Carrie Ruhlman

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Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 15A NCAC 10D .0232 is amended under temporary procedures as follows:

2

3 **15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY**

4 Gull Rock is a Seven Days per Week Area, in which the following applies:

5 (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers
6 Season.

7 (2) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:

8 (a) the opening and closing days of the applicable waterfowl seasons;

9 (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

10 (c) Tuesdays and Saturdays of the applicable waterfowl season.

11 (3) Camping is restricted to September 1 through the last day of February and March 31 through May
12 14 in areas designated and posted as camping areas.

13 (4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and
14 the second Saturday, Monday, and Tuesday of the December Bear Season.

15

16 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

17 *Eff. October 1, 2022;*

18 *Temporary Amendment Eff. December 1, 2022.*

19

20