

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0201

**DEADLINE FOR RECEIPT: January 13, 2023**

***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 lines 11 and 12, what does it mean for a season to be “listed”? Where are they listed?*

*Are paragraphs (d) and (e) (lines 15 through 30) restating G.S. 103-2? If so, consider framing as a cross-reference because this language may be unnecessary. If not, what are the additional restrictions applied here?*

*On line 28, it appears that “32” is included in the statutory citation in error. I believe you mean “G.S. 14-54.1(b)”.*

*On line 30, add a period: “~~birds~~ birds.”*

*Regarding the flush language in paragraph (e) (lines 31 and 32), if the “military installations” are “under the exclusive jurisdiction of the federal government,” what is your authority to write rules impacting them?*

*On page 2, line 13, you say “that may help detect”, which suggests ineffective methods are permissible. Do you mean “that detects”?*

*On page 2, line 16, what protocols are being referred to? Can you provide a cross reference?*

*On page 2, lines 17 and 18, where are the herd management required specified? In another rule?*

*In paragraph (h) (p. 2 line 19), what “local laws” are you referring to? If you are referring to acts of the General Assembly with local effect, do you need a rule that says acts of the General Assembly supersede contrary rules? If you mean acts of local governments (ordinances, etc.) what is your authority to further delegate your rulemaking authority?*

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

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

Seth Ascher  
Commission Counsel  
Date submitted to agency: December 22, 2022

1 15A NCAC 10B .0201 is readopted as published in 37:06 NCR 449 as follows:

2

3 **15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE**

4 (a) ~~It is unlawful for any~~ No person ~~to~~ shall take, or have in their possession, any wild animal or wild bird listed in  
5 this Section except during the open seasons and in accordance with the limits herein prescribed, or as prescribed by  
6 15A NCAC 10B .0300 pertaining to trapping or 15A NCAC 10D applicable to game lands managed by the Wildlife  
7 Resources Commission, unless otherwise permitted by law. ~~Lawful seasons and bag limits for each species apply~~  
8 ~~beginning with the first day of the listed season and continue through the last day of the listed season, with all dates~~  
9 ~~being included. When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended~~  
10 ~~to Monday, January 2.~~

11 (b) Lawful seasons and bag limits for each species apply beginning with the first day of the listed season and continue  
12 through the last day of the listed season, with all dates being included.

13 (c) When any hunting season ends on a January 1 that falls on a Sunday, that season shall be extended to Monday,  
14 January 2.

15 ~~(b)~~ (d) On Sundays, hunting on private lands shall be allowed under the following conditions:

- 16 (1) archery equipment as described in 15A NCAC 10B .0116, falconry, and dogs where and when  
17 allowed the other days of the week are lawful methods of take, except as prohibited in G.S. ~~103-2;~~  
18 103-2;  
19 (2) firearms are lawful methods of take when used as described in G.S. 103-2; and  
20 (3) migratory game birds may not be taken.

21 ~~(e) On Sundays, hunting on public lands is allowed with the following restrictions:~~

- 22 ~~(1) only falconry and dogs used in conjunction with falconry are lawful methods of take; and~~  
23 ~~(2) migratory game birds may not be taken.~~

24 ~~These restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.~~

25 (e) On Sundays, the following shall be prohibited on public game lands:

- 26 (1) hunting with a firearm between 9:30 AM and 12:30 PM;  
27 (2) the use of a firearm to take deer that are run or chased by dogs;  
28 (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 32 14-  
29 54.1(b), or any accessory structure thereof; and  
30 (4) hunting migratory game birds

31 Except for migratory game bird these restrictions do not apply to military installations under the exclusive jurisdiction  
32 of the federal government.

33 ~~(d)~~ (f) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set under this  
34 Section, may be taken during the hours and methods authorized for taking game animals.

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

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

19   (⇌) (h) Where local laws govern hunting, or are in conflict with this Subchapter, the local law shall prevail.

20

21   *History Note:     Authority G.S. 103-2; 113-291.1(a); 113-134; 113-291.2; 113-291.3;*  
22                         *Eff. February 1, 1976;*  
23                         *Amended Eff. February 1, 2023; May 1, 2016; August 1, 2012; July 10, 2010; July 1, 1996; July 1,*  
24                         *1987;*

25

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0301

**DEADLINE FOR RECEIPT: January 13, 2023**

***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, are you just referring to the definitions in G.S. 75A-2? If so, consider being more specific with the citation.*

*Subparagraphs (a)(1) through (a)(3) appear to repeat definitions from statute. Are these necessary?*

*In subparagraph (a)(4) (lines 9 through 12), it looks like you are incorporating a federal rule. If so, include a citation to the specific rule. I think you mean 33 CFR 62.*

*As phrased, line 10 indicates that you are incorporating the system. Rephrase to incorporate the rules.*

*For the previous two points, consider something like:*

*"USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States. The rules governing USATONS, 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and editions and can be found free of charge online at [www.ecfr.gov](http://www.ecfr.gov)*

*In paragraph (g) (p. 2 lines 29 and 30), how do you determine if markers are "sufficient in number and size to give warning of the restriction to vessels approaching from all directions."?*

*What do you want paragraph (h) to do? As written, it seems to say something circular. To illustrate, it could be read to mean: "If an agent of the Commission discovers a violation of this Rule, written notice shall be served. Failure to correct the violation within 10 days shall be a violation of the rule."*

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

*Paragraph (h) as currently written does not fill in the details of enforcement that the title leads me to expect. Are there other rules or statutes that indicate the consequences of rule violations?*

*As an illustration of the previous two points, for the second sentence of paragraph (h) (p. 2 lines 34 and 35), consider: “Individuals served a written notice of violation will have 10 days to correct any deficiency before the Commission [initiates an enforcement action.]” Note that in this example, the phrase “initiates and enforcement action” is a placeholder for the action the Commission intends in response to a violation. The actual text of this rule should match the language used in the rules or statutes that authorize the particular enforcement mechanism.*

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

1 15A NCAC 10F .0301 is amended as published in 37:06 NCR 454-456 as follows:

2  
3 **15A NCAC 10F .0301 GENERAL PROVISIONS**

4 (a) Definitions. The definitions used in G.S. 75A shall apply in this Subchapter. In addition, the following definitions  
5 shall apply:

- 6 (1) "Commission" means the North Carolina Wildlife Resources Commission;
- 7 (2) "Executive Director" means the Executive Director of the Commission;
- 8 (3) "No wake speed" means idle speed or slow speed creating no appreciable wake;
- 9 (4) "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and  
10 aids to navigation that mark navigable waters of the United States, and is hereby incorporated by  
11 reference including all subsequent amendments and editions and can be found free of charge online  
12 at [www.ecfr.gov](http://www.ecfr.gov);
- 13 (5) "Designated agency" means a subdivision of the State that the Commission designates for placement  
14 of markers that conform to USATONS standards;
- 15 (6) "Regulatory Marker" and "Information Marker" means markers with an orange geometric shape  
16 against a white background, used to alert a mariner to warnings or regulatory matters, as defined in  
17 33 CFR 62.33;
- 18 (7) "Swimming area" means an enclosed area on the water for swimming that is marked against entry  
19 by vessels;
- 20 (8) "Mooring area" means an area on the water delineated by speed zone markers where vessels may  
21 be tied to objects anchored on the seabed;
- 22 (9) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel  
23 speed; and
- 24 (10) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access  
25 is limited to authorized persons and vessels, as defined in 33 CFR 165.20.

26 (b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to  
27 the Commission for rules on waters within the subdivision's territorial limits on an application provided by the  
28 Commission at [www.ncwildlife.org](http://www.ncwildlife.org). The completed application and supporting documents shall be mailed to the No  
29 Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North  
30 Carolina 27699-1701 or submitted via email to [nowakezonecoordinator@ncwildlife.org](mailto:nowakezonecoordinator@ncwildlife.org). The application shall contain  
31 the following information:

- 32 (1) the name of the subdivision of the State applying for water safety rulemaking;
- 33 (2) the date of the application;
- 34 (3) the contact person's name, telephone number, and mailing address;
- 35 (4) descriptive information for the body of water;
- 36 (5) location of the proposed no wake zone, marked swimming area, or other regulated area;

1 (6) a statement that the subdivision of the State has given public notice of its intention to apply for  
2 rulemaking on waters within its territorial limits;

3 (7) a resolution from the subdivision of the State requesting water safety rulemaking; and

4 (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and  
5 placement of markers that conform to USATONS standards.

6 (c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas  
7 established by rules in this Section. The designated agency or its designee shall be responsible for the purchase and  
8 placement of markers conforming to USATONS required to implement a water safety rule.

9 (d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to  
10 place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place  
11 information markers without permission from the Executive Director or his or her designee.

12 (e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers.

13 (f) Swimming Areas. No vessel entry shall be permitted in the waters of marked swimming areas. Marked swimming  
14 areas shall meet the following requirements:

15 (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;

16 (2) the enclosed area shall be marked with float lines that, in conjunction with the shoreline, form an  
17 enclosed area;

18 (3) the swimming area shall not extend into a navigational channel or interfere with navigation of  
19 vessels;

20 (2) float lines shall have white, international orange, or alternating white and international orange floats  
21 along their length at intervals of not less than one every 10 feet;

22 (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line,  
23 and no float shall exceed a size of 18 inches in length or diameter;

24 (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to  
25 float lines to give warning to vessels approaching the swimming area from all directions; and

26 (5) float lines and warning markers shall be anchored.

27 (g) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment  
28 structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed  
29 in the ~~water, water no greater than 50 yards from the protected facility.~~ Markers shall be sufficient in number and size  
30 to give warning of the restriction to vessels approaching from all directions.

31 (h) Enforcement. If an agent of the Commission discovers markers and navigational aids that do not conform to  
32 USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated  
33 area, written notice shall be served upon the individuals responsible for the improper placement of the markers or  
34 navigational aids. Failure to take action to correct the deficiency within 10 days, in accordance with the written notice,  
35 shall be a violation of this Rule.

36 (i) Miscellaneous Restrictions. Except for mooring buoys or markers that are specifically permitted by State or federal  
37 law, it shall be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05. It shall be unlawful for



1 any unauthorized person to move, remove, damage, block, paint over, or tamper with any marker lawfully placed in  
2 the waters of North Carolina in conformity with these rules or USATONS standards.

3

4 *History Note: Authority G.S. 75A-15;*  
5 *Eff. February 1, 1976;*  
6 *Amended Eff. November 1, 1993; March 25, 1978;*  
7 *Temporary Amendment Eff. July 1, 1998;*  
8 *Amended Eff. April 1, 1999;*  
9 *Readopted Eff. November 1, 2018;*  
10 *Amended Eff. February 1, 2023.*

11

12

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0314

**DEADLINE FOR RECEIPT: January 13, 2023**

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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:

*Compare (a)(1) and (a)(3): "marker number" vs. "Channel Marker". Be consistent in terminology and capitalization, unless intentionally referring to different things.*

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

1 15A NCAC 10F .0314 is amended as published in 37:06 NCR 456 as follows:

2  
3 **15A NCAC 10F .0314 NEW HANOVER COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters in New Hanover County:

- 5 (1) the area bounded on the north by the US 74-76 Bridge crossing the Intracoastal Waterway, on the  
6 south by a line shore to shore intersecting Intracoastal Waterway marker number 127, on the west  
7 by the shore of Wrightsville Sound, and on the east by a line perpendicular to US Highway 74-76  
8 and intersecting marker number 25 in Motts Channel;
- 9 (2) the area of Motts Channel between marker number 25 at the Intracoastal Waterway on the west and  
10 marker number 16 at the entrance from Banks Channel on the east;
- 11 (3) ~~the area bounded on the west by the US 76 Bridge crossing Bradley Creek, on the north and south~~  
12 ~~by the banks of Bradley Creek, on the east by a line from a point on the southwest shore at 34.21298~~  
13 ~~N, 77.83173 W, to a point on the northeast shore at 34.21446 N, 77.83063 W; the waters of the~~  
14 ~~navigation channel in that portion of Bradley Creek in the City of Wilmington between the US 76~~  
15 ~~Bridge crossing Bradley Creek and Channel Marker 8, near the mouth of Bradley Creek at 34.20858~~  
16 ~~N, 77.82272 W;~~
- 17 (4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W,  
18 to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;
- 19 (5) the unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville  
20 Beach and an unnamed island located approximately 500 feet northeast of the US 74 bridge over  
21 Banks Channel; and
- 22 (6) the waters of the Northeast Cape Fear River between the US Hwy. 117 bridge and the railroad trestle  
23 60 yards east of the Castle Hayne Boating Access Area.

24 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas  
25 described in Paragraph (a) of this Rule.

26 (c) Placement of Markers. The Board of Commissioners of New Hanover County shall be the designated agency for  
27 placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the  
28 United States Army Corps of Engineers.

29  
30 *History Note: Authority G.S. 75A-3; 75A-15;*  
31 *Eff. February 1, 1976;*  
32 *Amended Eff. July 1, 1993; May 1, 1989; June 1, 1987; May 1, 1987;*  
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
34 *6, 2016;*  
35 *Amended Eff. February 1, 2023; October 1, 2018; April 1, 2017.*  
36  
37

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0326

**DEADLINE FOR RECEIPT: January 13, 2023**

***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 (a)(4) (line 14), omit "in" and change to "86 Griffin ~~Road in~~ Road, Vandemere" for consistency within the rule.*

*On line 26, change to "~~Subparagraph~~ Subparagraphs"*

*On line 29, change to "~~Subparagraph~~ Subparagraphs"*

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

1 15A NCAC 10F .0326 is amended as published in 37:06 NCR 456 as follows:

2  
3 **15A NCAC 10F .0326 PAMLICO COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters or portions of waters in Pamlico County:

- 5 (1) ~~Silverthorn Bay off of Burton Creek; the waters of Burton Creek known as Silverthorn Bay, Creek~~  
6 in Merritt, north of a line at a point on the east shore at 35.09531 N, 76.60791 W to a point on the  
7 west shore at 35.09572 N, 76.60883 W.
- 8 (2) ~~Minnesott Beach; the Minnesott Beach Yacht Basin~~ Alligator Gut Basin and its access channel  
9 extending 30 yards beyond the outermost rock jetties in Neuse ~~River, River, east of Neuse River~~  
10 Drive, Minnesott Beach.
- 11 (3) Within 50 yards of Lee's Landing Boating Access Area on Upper Broad Creek, at 3337 Lee Landing  
12 Road, Reelsboro.
- 13 (4) Within 50 yards of the Vandemere Waterfront Park and Boat Ramp's eastern end at the concrete  
14 walkway, at 86 Griffin Road in Vandemere.
- 15 (5) Within 50 yards of the Dawson Creek Boating Access Area on Dawson Creek, at 303 Creek Place  
16 Road, Oriental.
- 17 (6) Within 50 yards of the Oriental Boating Access Area on Smith Creek, at 100 Midyette Street,  
18 Oriental.

19 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the regulated areas described in  
20 Paragraph (a) of this Rule.

21 (c) Placement of Markers. ~~The Board of Commissioners of Pamlico County shall be the designated agency for~~  
22 ~~placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the~~  
23 ~~United States Army Corps of Engineers. The following agencies shall be the designated agencies for placement of the~~  
24 ~~markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army~~  
25 Corps of Engineers:

- 26 (1) The Board of Commissioners of Pamlico County for the regulated areas designated in Subparagraph  
27 (a)(1) and (2) of this Rule; and
- 28 (2) The North Carolina Wildlife Resources Commission for the regulated areas designated in  
29 Subparagraph (a)(3) through (6) of this Rule.

30  
31 *History Note: Authority G.S. 75A-3; 75A-15;*  
32 *Eff. May 1, 1977;*  
33 *Amended Eff. December 1, 1985; November 1, 1977;*  
34 *Temporary Amendment Eff. March 15, 2003;*  
35 *Temporary Amendment Expired October 12, 2003;*  
36 *Amended Eff. May 1, 2014; May 1, 2004;*

1                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
2                    *6, 2016;*  
3                    *Amended Eff. February 1, 2023; October 1, 2018.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0327

**DEADLINE FOR RECEIPT: January 13, 2023**

***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:

*For consistency with other rules "Badin ~~Lake~~ Lake:" on line 5 and "Lake ~~Tillery~~ Tillery:" on line 22.*

*On p. 2, line 12, there does not appear to be a Subparagraph (a)(4) in the rule.*

*In Subparagraphs (d)(1) through (4), do not capitalize the first word: "~~The~~ the".*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

1 15A NCAC 10F .0327 is amended as published in 37:06 NCR 456-457 as follows:

2  
3 **15A NCAC 10F .0327 MONTGOMERY COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

5 (1) Badin Lake.

6 (A) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at  
7 the marina at 35.48739 N, 80.10918 W;

8 (B) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952  
9 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W;

10 (C) the channel between Beyer's Island and the mainland, shore to shore beginning at a line  
11 from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at  
12 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at  
13 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W;

14 (D) within 50 yards of the fueling station at the Old North State Marina at the entrance to a  
15 cove within the ~~Uwharrie Point community~~; Uwharrie Point community at 139 Marina  
16 Lane in New London;

17 (E) within 50 yards of the Circle Drive Boating Access Area, at 724 Shoreline Drive in New  
18 London;

19 (F) within 50 yards of Lakemont Boating Access Area, at 241 Lakemont Road in New London;  
20 and

21 (G) within 50 yards of the Cove Boat Ramp at 400 Cove Road in New London.

22 (2) Lake Tillery.

23 (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113  
24 N, 80.06277 W;

25 (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and  
26 boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the  
27 south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405  
28 N, 80.05304 W;

29 (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110  
30 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N,  
31 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet  
32 southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at  
33 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W; and

34 (D) within 50 yards of Swift Island Boating Access Area at 4917 NC Highway 24/27 in Mount  
35 Gilead.

36 (3) Tuckertown Reservoir. Pee Dee River, within 50 yards of the Clarks Creek Boating Access Area at  
37 177 Tillery Dam Road in Mount Gilead.



1 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area described  
2 in Paragraph (a) of this Rule.

3 (c) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the  
4 marked swimming area on Badin Lake at the Pinehaven Village beach area at 370 Pinehaven Drive in New London,  
5 within 50 feet of the shoreline between points at 35.49927 N, 80.11428 W; and 35.49934 N, 80.11437 W.

6 ~~(d)~~ Placement of Markers. The following agencies shall be responsible for placement or placement and  
7 maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and  
8 United States Army Corps of Engineers:

- 9 (1) The Board of Commissioners of Montgomery County for placement of the markers implementing  
10 Parts (a)(1)(A), (B), (C), (D), and (a)(2)(A), and (B) of this Rule;
- 11 (2) The North Carolina Wildlife Resources Commission for placement and maintenance of the markers  
12 implementing Parts (a)(1)(E), (F), (a)(2)(C), (D), and Subparagraph (a)(4) of this Rule;
- 13 (3) The Board of Commissioners of Montgomery County shall be the designated agency for placement  
14 and maintenance of the ropes and markers implementing Paragraph (c) of this Rule; and
- 15 (4) The U.S. Forest Service for placement and maintenance of the markers implementing Part (a)(1)(G)  
16 of this Rule.

17  
18 *History Note: Authority G.S. 75A-3; 75A-15;*  
19 *Eff. November 1, 1977;*  
20 *Amended Eff. December 1, 1990; May 1, 1989; March 25, 1978;*  
21 *Temporary Amendment Eff. June 1, 1998;*  
22 *Amended Eff. April 1, 1999; July 1, 1998;*  
23 *Temporary Amendment Eff. July 1, 2002;*  
24 *Amended Eff. August 1, 2006; June 1, 2005; April 1, 2003;*  
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
26 *6, 2016;*  
27 *Amended Eff. October 1, 2018; April 1, 2017;*  
28 *Emergency Amendment Eff. July 30, 2019;*  
29 *Temporary Amendment Eff. October 1, 2019;*  
30 *Amended Eff. May 1, 2020;*  
31 *Temporary Amendment Eff. June 1, 2020;*  
32 *Temporary Amendment Expired March 12, 2021;*  
33 *Amended Eff. February 1, 2023; June 1, 2022; October 1, 2021.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0336

**DEADLINE FOR RECEIPT: January 13, 2023**

***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 p. 2, line 23, replace "Subparagraph" with "Parts".*

*On p. 2, line 26, replace "Subparagraph" with "Parts".*

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

1 15A NCAC 10F .0336 is amended as published in 37:06 NCR 457-458 as follows:

2  
3 **15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES**

4 (a) No person shall operate a vessel at greater than no-wake speed in the following waters of Lake Gaston and the  
5 Roanoke River in Northampton and Warren counties.

6 (1) Lake Gaston:

- 7 (A) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252  
8 otherwise known as Vincent Lane, shore to shore from a point on the north shore at  
9 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
- 10 (B) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the  
11 east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810  
12 W;
- 13 (C) within 50 yards of the Henrico Boating Access Area in Northampton County, 142 Wildlife  
14 Landing Road, Henrico, N.C.;
- 15 (D) within 50 yards of the Vulture Boating Access Area in Northampton County, 773 Old  
16 Gaston Road, Gaston, N.C.;
- 17 (E) within 50 yards east and west of the N.C. Highway 903 Eaton Ferry Road Bridge in Warren  
18 County;
- 19 (F) within 50 yards of the Hawtree Creek Boating Access Area in Warren County, 1200 Peete  
20 Farm Road, Warrenton, N.C.;
- 21 (G) within 50 yards of the Salmons Landing Boating Access area in Warren County, 129  
22 Salmon Landing Road, Littleton, N.C.;
- 23 (H) within 50 yards of the Wildwood Point boat ramp in Warren County, 184 N. Oak Drive,  
24 Littleton, N.C.;
- 25 (I) within 50 yards of the Lizard Creek boat ramp in Warren County, 417 Lizard Creek Road,  
26 Littleton, N.C.;
- 27 (J) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903  
28 at 36.53260 N, 77.97330 W; and
- 29 (K) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise  
30 known as Nocarva Road at 36.52950 N, 78.07283 W;
- 31 (L) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise  
32 known as Lizard Creek Road at 36.52501 N, 77.91187 W;
- 33 (M) within 50 yards of the Waters View Restaurant adjacent to the northwest end of the N.C.  
34 Highway 903 bridge in Warren County;
- 35 (N) the cove west of the Pointe at Lake Gaston at the southwest end of the N.C. Highway 903  
36 bridge in Warren County, south of a point at 36.50937 N, 77.96644 W;

1 (O) Camp Willow Run Canoe and Sail Cove in Warren County, beginning at a line shore to  
2 shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the  
3 north shore at 36.49534 N, 77.91508 W; ~~and~~

4 (P) the cove on Hubquarter Creek in Warren County, shore to shore beginning at a line from a  
5 point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore  
6 at 36.49947 N, ~~78.00553 W.~~ 78.00553 W; and

7 (Q) the waters of the cove east of the Stonehouse Timber Lodge Marina, 154 Stonehouse Lodge  
8 Drive, Littleton, N.C., shore to shore south of a point at 36.49206 N, 77.94085 W.

9 (2) ~~Roanoke River. No person shall operate a vessel at greater than no-wake speed in Roanoke River in~~  
10 ~~Northampton County within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids~~  
11 ~~Road, Gaston, N.C. Roanoke River:~~

12 (A) within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids Road, Gaston,  
13 N.C.; and

14 (B) within 50 yards of the Odom Boating Access Area, 1017 Striper Lane, Jackson, N.C.

15 (b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a  
16 marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

17 (c) ~~Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the~~  
18 ~~designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States~~  
19 ~~Coast Guard and United States Army Corps of Engineers. Placement of Markers. The following agencies shall be the~~  
20 ~~designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States~~  
21 ~~Coast Guard and the United States Army Corps of Engineers:~~

22 (1) The Boards of Commissioners of Northampton County and Warren County shall be responsible for  
23 placement of markers for the regulated areas designated in Subparagraph (a)(1)(A), (B), and (H)  
24 through (Q) of this Rule; and

25 (2) The North Carolina Wildlife Resources Commission shall be responsible for placement of markers  
26 for the regulated areas designated in Subparagraph (a)(1)(C) through (G) and Subparagraph  
27 (a)(2)(A) and (B) of this Rule.

28  
29  
30 *History Note: Authority G.S. 75A-3; 75A-15;*  
31 *Eff. March 29, 1981;*  
32 *Amended Eff. June 1, 1994; March 1, 1993; September 1, 1989;*  
33 *Temporary Amendment Eff. March 15, 2003;*  
34 *Temporary Amendment Expired October 12, 2003;*  
35 *Amended Eff. May 1, 2014; May 1, 2004;*  
36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
37 *6, 2016;*

1  
2  
3

*Amended Eff. February 1, 2023; June 1, 2022; February 1, 2020; October 1, 2018.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0361

**DEADLINE FOR RECEIPT: January 13, 2023**

***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 (a)(9), verify the address for the Fort Hamby Swim Area. It looks inaccurate on the map I looked at.*

*Verify the same issue for subparagraph (b)(1).*

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

1 15A NCAC 10F .0361 is amended as published in 37:06 NCR 458-459 as follows:

2  
3 **15A NCAC 10F .0361 WILKES COUNTY**

4 (a) Regulated Areas. This Rule shall apply to ~~those waters within 50 yards of any marked boat launching area, bridge,~~  
5 ~~dock, pier, marina, boat storage structure, or boat service area located~~ the following waters on W. Kerr Scott Reservoir  
6 in Wilkes ~~County~~. County:

- 7 (1) the waters of Dam Site Park Cove at Dam Site Shelter, 499 Reservoir Road, Wilkesboro, south of a  
8 line at the mouth of the cove from a point on the east shore at 36.13090 N, 81.22955 W to a point  
9 on the west shore at 36.13040 N, 81.23122;  
10 (2) the waters of the cove at Skyline Marina, 4008 W. N.C. Hwy 268, Wilkesboro, south of a line at the  
11 mouth of the cove from a point on the east shore at 36.12738 N, 81.23530 W to a point on the west  
12 shore at 36.12608 N, 81.23847 W;  
13 (3) the waters of the cove north and west of Berry Mountain Park, 4732 W. N.C. Hwy 268, Wilkesboro,  
14 south of a line at the mouth of the cove from a point on the east shore at 36.12558 N, 81.24025 W  
15 to a point on the west shore at 36.12545 N, 81.24245 W, surrounding the Berry Mountain swim  
16 beach, and to the southwest to the end of the cove;  
17 (4) within 50 yards of the Boomer Park boat ramp, 400 Boomer Road, Boomer;  
18 (5) within 50 yards of the Keowee boat ramp, 7659 N.C. Hwy 268, Boomer;  
19 (6) the waters of the cove where Smithey's Creek boat ramp and Fort Hamby boat ramp are located,  
20 northwest of a line at the mouth of the cove from a point on the east shore at 36.12612 N, 81.26129  
21 W to a point on the west shore at 36.12361 N, 81.26404 W;  
22 (7) the waters within 50 yards north and 50 yards south of the N.C. Hwy 268 Bridge, at 36.09902 N,  
23 81.28070 W;  
24 (8) the waters within 50 yards surrounding the Boomer Park Beach Swim Area located at 400 Boomer  
25 Road, Boomer;  
26 (9) the waters within 50 yards surrounding the Fort Hamby Swim Area located at 1534 S. Recreation  
27 Road, Wilkesboro; and  
28 (10) the waters of the cove where the Warrior Creek Swim Area is located, southwest of a line at the  
29 mouth of the cove from a point on the south shore at 36.10494 N, 81.28304 W to a point on the  
30 north shore at 36.10591 N, 81.28412 W.

31 (b) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter the  
32 waters of the following swim areas:

- 33 (1) the waters of the Fort Hamby Swim Area located at 36.12314 N, 81.26870 W, at 1534 S. Recreation  
34 Road, Wilkesboro;  
35 (2) the waters of Warrior Creek Swim Area located at 36.10367 N, 81.28664 W, at 7659 W. Hwy 268,  
36 Boomer;

1           (3)     the waters of Boomer Park Beach Swim Area located at 36.09271 N, 81.27967 W, 400 Boomer  
2                   Road, Boomer;

3           (4)     the waters of the Berry Mountain Park Swim Beach located at 36.12498 N, 81.24010 W, 4732 W.  
4                   N.C. Hwy 268, Wilkesboro; and

5           (5)     the waters of the Bandit's Roost Park Swim Area located at 36.12425 N, 81.25172 W, 667 Jess  
6                   Walsh Road, Wilkesboro.

7     ~~(c) Safety Zone. Except for authorized persons and vessels, no entry shall be allowed in the waters 50 yards~~  
8     ~~downstream from the W. Kerr Scott Dam and Intake Tower.~~

9     ~~(d) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described~~  
10    ~~in Paragraph (a) of this Rule.~~

11    ~~(e) Placement of Markers. The Wilkes County Board of Commissioners and the U.S. Army Corps of Engineers shall~~  
12    ~~be the designated agencies for placement and maintenance of the markers implementing this Rule, subject to the~~  
13    ~~authority of the U.S. Army Corps of Engineers.~~

14    ~~(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within any of the regulated area~~  
15    ~~described in Paragraph (a) of this Rule.~~

16    ~~(c) Placement of Markers. The Wilkes County Board of Commissioners shall be the designated agency for placement~~  
17    ~~of the markers implementing this Rule.~~

18  
19    *History Note:     Authority G.S. 75A-3; 75A-15;*

20                   *Eff. September 1, 1989;*

21                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
22                   *6, 2016;*

23                   *Amended Eff. February 1, 2023; October 1, 2018.*  
24  
25



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0103

**DEADLINE FOR RECEIPT: January 13, 2023**

***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 5, consider deleting "Listed At This Time".*

*On line 12, consider deleting "Listed At This Time".*

*On line 18, replace citations with "G.S. 113-129(9)(a) and (9)(b); and".*

*On line 19, is commission intentionally omitting the reference to the statutory definition of "inland fishing waters" that is in part (a)(4)(D)?*

*On line 25, is commission intentionally omitting the reference to the statutory definition of "inland fishing waters" that is in part (a)(4)(D)?*

*In subparagraph (a)(7), should "seaturtle" be "sea turtle"? Appears on page 1, lines 36 and 37, and page 2, line 1.*

*Is the repetition of "imbricata" on line 37 a typo?*

*On page 2, lines 4 and 7, what does the punctuation in "[=Lithobates]" signify?*

*Is the repetition of "fulvius" on page 3, line 11 a typo?*

*In the history note, are 113-291.2 and 113-292 necessary authority?*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

1 15A NCAC 10I .0103 is amended as published in 37:06 NCR 449-451 as follows:

2

3 **15A NCAC 10I .0103 ENDANGERED SPECIES LISTED**

4 (a) The following species of resident wildlife shall be designated as federally-listed endangered species:

5 (1) Amphibians: None Listed At This Time.

6 (2) Birds:

7 (A) Bachman's warbler (*Vermivora bachmanii*);

8 (B) Ivory-billed woodpecker (*Campephilus principalis*);

9 (C) Piping plover (*Charadrius melodus circumcinctus*);

10 (D) Red-cockaded woodpecker (*Dryobates borealis*); and

11 (E) Roseate tern (*Sterna dougallii dougallii*).

12 (3) Crustacea: None Listed At This Time.

13 (4) Fish:

14 (A) Cape Fear shiner (*Notropis mekistocholas*);

15 ~~(B)~~ Carolina madtom (*Noturus furiosus*);

16 ~~(B)(C)~~ Roanoke logperch (*Percina rex*);

17 ~~(C)(D)~~ Shortnose sturgeon (*Acipenser brevirostrum*), when found in inland fishing waters as  
18 defined in G.S. 113-129(9)a and (9)b.; and

19 ~~(D)(E)~~ Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), when found in inland fishing waters.

20 (5) Mammals:

21 (A) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*);

22 (B) Eastern cougar (*Puma concolor*);

23 (C) Gray bat (*Myotis grisescens*);

24 (D) Indiana bat (*Myotis sodalis*);

25 (E) Manatee (*Trichechus manatus*), when found in inland fishing waters; and

26 (F) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).

27 (6) Mollusks:

28 (A) Appalachian elktoe (*Alasmidonta raveneliana*);

29 (B) Carolina heelsplitter (*Lasmigona decorata*);

30 (C) Dwarf wedgemussel (*Alasmidonta heterodon*);

31 (D) James spinymussel (*Parvaspina collina*);

32 (E) Littlewing pearlymussel (*Pegias fabula*);

33 (F) Tan riffleshell (*Epioblasma florentina walkeri*); and

34 (G) Tar River spinymussel (*Parvaspina steinstansana*).

35 (7) Reptiles:

36 (A) Kemp's ridley seaturtle (*Lepidochelys kempii*);

37 (B) Atlantic hawksbill seaturtle (*Eretmochelys imbricata imbricata*); and

- 1 (C) Leatherback sea turtle (*Dermochelys coriacea*).
- 2 (b) The following species of resident wildlife shall be designated as State-listed endangered species:
- 3 (1) Amphibians:
- 4 (A) Gopher frog (*Rana* [=*Lithobates*] *capito*);
- 5 (B) Hickory Nut Gorge green salamander (*Aneides caryaensis*);
- 6 (C) Ornate chorus frog (*Pseudacris ornata*); and
- 7 (D) River frog (*Rana* [=*Lithobates*] *heckscheri*).
- 8 (2) Birds:
- 9 (A) American peregrine falcon (*Falco peregrinus anatum*);
- 10 (B) Bewick's wren (*Thryomanes bewickii*);
- 11 (C) Common tern (*Sterna hirundo*);
- 12 (D) Henslow's sparrow (*Centronyx henslowii*); and
- 13 (E) Wayne's black-throated green warbler (*Setophaga virens waynei*).
- 14 (3) Crustacea:
- 15 (A) Bennett's Mill cave water slater (*Caecidotea carolinensis*); and
- 16 (B) Waccamaw crayfish (*Procambarus braswelli*).
- 17 (4) Fish:
- 18 (A) Blotchside logperch (*Percina burtoni*);
- 19 (B) Bridle shiner (*Notropis bifrenatus*);
- 20 (C) Orangefin madtom (*Noturus gilberti*);
- 21 (D) Paddlefish (*Polyodon spathula*);
- 22 (E) Robust redhorse (*Moxostoma robustum*);
- 23 (F) Rustyside sucker (*Thoburnia hamiltoni*);
- 24 (G) Sharpnose darter (*Percina oxyrhynchus*); and
- 25 (H) Stonecat (*Noturus flavus*).
- 26 (5) Mammals: ~~None Listed At This Time.~~
- 27 (A) Little brown bat (*Myotis lucifugus*); and
- 28 (B) Tricolored bat (*Perimyotis subflavus*).
- 29 (6) Mollusks:
- 30 ~~(A) Atlantic pigtoe (*Fusconaia masoni*);~~
- 31 ~~(B)~~(A) Barrel floater (*Utterbackiana couperiana*);
- 32 ~~(C)~~(B) Brook floater (*Alasmidonta varicosa*);
- 33 ~~(D)~~(C) Carolina creekshell (*Villosa vaughaniana*);
- 34 ~~(E)~~(D) Fragile glyph (*Glyphyalinia clingmani*);
- 35 ~~(F)~~(E) Green floater (*Lasmigona subviridis*);
- 36 ~~(G)~~(F) Greenfield rams-horn (*Helisoma eucosmium*)
- 37 ~~(H)~~(G) Knotty elimia (*Elimia christyi*);

- 1           ~~(H)~~(H) Longsolid (*Fusconaia subrotunda*);
- 2           ~~(I)~~(I) Magnificent rams-horn (*Planorbella magnifica*);
- 3           ~~(J)~~(J) Purple wartyback (*Cyclonaias tuberculata*);
- 4           ~~(K)~~(K) Savannah lilliput (*Toxolasma pullus*);
- 5           ~~(L)~~(L) Slippershell mussel (*Alasmidonta viridis*);
- 6           ~~(M)~~(M) Tennessee clubshell (*Pleurobema oviforme*);
- 7           ~~(N)~~(N) Tennessee heelsplitter (*Lasmigona holstonia*);
- 8           ~~(O)~~(O) Tennessee pigtoe (*Pleuronaia barnesiana*); and
- 9           ~~(P)~~(P) Yellow lampmussel (*Lampsilis cariosa*).

- 10           (7) Reptiles:
- 11           (A) Eastern coral snake (*Micrurus fulvius fulvius*); and
- 12           (B) Eastern diamondback rattlesnake (*Crotalus adamanteus*); and
- 13           (C) Mimic glass lizard (*Ophisaurus mimicus*).

14

15 *History Note: Authority G.S. 113-134; 113-291.2; 113-292; 113-333;*  
16 *Eff. June 11, 1977;*  
17 *Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; April 1, 2001; February 1, 1994;*  
18 *November 1, 1991; April 1, 1991; June 1, 1990;*  
19 *Readopted Eff. October 1, 2021.*  
20 *Amended Eff. February 1, 2023.*

21  
22

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0104

**DEADLINE FOR RECEIPT: January 13, 2023**

***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:

*Is the repetition of "jamaicensis" on line 7 a typo?*

*Is the repetition of "melodus" on line 8 a typo?*

*On line 11, consider deleting "Listed At This Time".*

*In subparagraph (a)(7), should "seaturtle" be "sea turtle"? Appears on lines 23 and 24.*

*Is the repetition of "tigrinum" on line 27 a typo?*

*Is the repetition of "longicauda" on line 30 a typo?*

*On page 2, line 13, what is meant by the abbreviation "sp."?*

*On page 2, line 21, what is meant by the abbreviation "sp."?*

*"Carolina redhorse" (page 2, line 13) and "Sicklefin redhorse" (page 2, line 21) appear to have the same scientific name (Moxostoma sp.). Is that correct?*

*Is the repetition of "floridana" on page 2, line 26, a typo?*

*Is the repetition of "rafinesquii" on page 2, line 27, a typo?*

*Is the repetition of "melanoleucus" on page 3, line 10 a typo?*

*In the history note, are 113-291.2 and 113-292 necessary authority?*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

1 15A NCAC 10I .0104 is amended as published in 37:6 NCR 451-452 as follows:

2

3 **15A NCAC 10I .0104 THREATENED SPECIES LISTED**

4 (a) The following species of resident wildlife shall be designated as federally-listed threatened species:

5 (1) Amphibians: ~~None Listed At This Time.~~ Neuse River waterdog (*Necturus lewisi*).

6 (2) Birds:

7 (A) Eastern black rail (*Laterallus jamaicensis jamaicensis*);

8 (B) Piping plover (*Charadrius melodus melodus*);

9 (C) Red knot (*Calidris canutus rufa*); and

10 (D) Wood stork (*Mycteria americana*).

11 (3) Crustacea: None Listed At This Time.

12 (4) Fish:

13 (A) Spotfin chub (*Erimonax monachus*); and

14 (B) Waccamaw silverside (*Menidia extensa*).

15 (5) Mammals: Northern long-eared bat (*Myotis septentrionalis*)

16 (6) Mollusks:

17 (A) Atlantic pigtoe (*Fusconaia masoni*);

18 ~~(A)(B)~~ Noonday globe (*Patera clarki nantahala*); and

19 ~~(B)(C)~~ Yellow lance (*Elliptio lanceolata*).

20 (7) Reptiles:

21 (A) Bog turtle (*Glyptemys muhlenbergii*);

22 (B) American alligator (*Alligator mississippiensis*);

23 (C) Green sea turtle (*Chelonia mydas*); and

24 (D) Loggerhead sea turtle (*Caretta caretta*).

25 (b) The following species of resident wildlife are designated as State-listed threatened species:

26 (1) Amphibians:

27 (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);

28 (B) Green salamander (*Aneides aeneus*);

29 (C) Junaluska salamander (*Eurycea junaluska*);

30 (D) Long-tailed salamander (*Eurycea longicauda longicauda*);

31 (E) Mabee's salamander (*Ambystoma mabeei*);

32 (F) Pine Barrens tree frog (*Hyla andersonii*); and

33 (G) Wehrle's salamander (*Plethodon wehrlei*).

34 (2) Birds:

35 (A) Bald eagle (*Haliaeetus leucocephalus*);

36 (B) Caspian tern (*Hydroprogne caspia*);

37 (C) Gull-billed tern (*Gelochelidon nilotica aranea*); and

- 1 (D) Northern saw-whet owl (*Aegolius acadicus*).
- 2 (3) Crustacea:
- 3 (A) Broad River spiny crayfish (*Cambarus spicatus*);
- 4 (B) French Broad crayfish (*Cambarus reburus*);
- 5 (C) Pamlico crayfish (*Procambarus medialis*);
- 6 (D) Sandhills crayfish (*Procambarus pearsei*); and
- 7 (E) South Mountains crayfish (*Cambarus franklini*).
- 8 (4) Fish:
- 9 (A) Bigeye jumprock (*Moxostoma ariommum*);
- 10 (B) Blotched chub (*Erimystax insignis*)
- 11 ~~(B)~~ — Carolina madtom (*Noturus furiosus*);
- 12 (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
- 13 (D) Carolina redhorse (*Moxostoma* sp.);
- 14 (E) Ironcolor shiner (*Notropis chalybaeus*)
- 15 ~~(E)~~(F) Least brook lamprey (*Lampetra aepyptera*);
- 16 ~~(F)~~(G) Logperch (*Percina caprodes*);
- 17 ~~(G)~~(H) Mimic shiner (*Notropis volucellus*);
- 18 ~~(H)~~(I) Rosyface chub (*Hybopsis rubrifrons*);
- 19 ~~(I)~~(J) Sharphead darter (*Etheostoma acuticeps*);
- 20 (K) Santee chub (*Cyprinella zanema*)
- 21 ~~(J)~~(L) Sicklefin redhorse (*Moxostoma* sp.);
- 22 (M) Thicklip chub (*Cyprinella labrosa*)
- 23 ~~(K)~~(N) Turquoise darter (*Etheostoma inscriptum*); and
- 24 ~~(L)~~(O) Waccamaw darter (*Etheostoma perlongum*).
- 25 (5) Mammals:
- 26 (A) Eastern woodrat (*Neotoma floridana floridana*);
- 27 (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
- 28 (C) Red wolf (*Canis rufus*).
- 29 (6) Mollusks:
- 30 (A) Alewife floater (*Utterbackiana implicata*);
- 31 (B) Big-tooth covert (*Fumonelix jonesiana*);
- 32 (C) Cape Fear threetooth (*Triodopsis soelneri*);
- 33 (D) Eastern lampmussel (*Lampsilis radiata*);
- 34 (E) Eastern pondmussel (*Ligumia nasuta*);
- 35 (F) Engraved covert (*Fumonelix orestes*);
- 36 (G) Mountain creekshell (*Villosa vanuxemensis*);
- 37 (H) Notched rainbow (*Villosa constricta*);

- 1 (I) Rainbow (*Villosa iris*);
- 2 (J) Roan supercoil (*Paravitrea varidens*);
- 3 (K) Sculpted supercoil (*Paravitrea ternaria*);
- 4 (L) Smoky Mountain covert (*Inflectarius ferrissi*);
- 5 (M) Creeper (*Strophitus undulatus*);
- 6 (N) Tidewater mucket (*Leptodea ochracea*);
- 7 (O) Triangle floater (*Alasmidonta undulata*); and
- 8 (P) Waccamaw ambersnail (*Catinella waccamawensis*).

9 (7) Reptiles:

- 10 (A) Northern pine snake (*Pituophis melanoleucus melanoleucus*); and
- 11 (B) Southern hognose snake (*Heterodon simus*).

12

13 *History Note: Authority G.S. 113-134; 113-291.2; 113-292; 113-333;*  
14 *Eff. March 17, 1978;*  
15 *Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1, 1990;*  
16 *September 1, 1989;*  
17 *Temporary Amendment Eff. February 27, 2015;*  
18 *Amended Eff. October 1, 2017; July 1, 2016; August 1, 2016;*  
19 *Readopted Eff. October 1, 2021.*  
20 *Amended Eff February 1, 2023.*



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0105

**DEADLINE FOR RECEIPT: January 13, 2023**

***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:

*Is the repetition of "alleganiensis" on line 11 a typo?*

*On page 2, line 16, what does the abbreviation "sp. cf." mean?*

*On page 2, line 20, what does the abbreviation "sp." mean?*

*On page 2, line 36, what does the abbreviation "sp." mean?*

*On page 3, line 2, what does the abbreviation "sp. cf." mean?*

*Is the repetition of "lebi" on page 3, line 12, a typo?*

*Is the repetition of "clarki" on page 3, line 27, a typo?*

*On page 4, line 11, what does the abbreviation "sp." mean?*

*On page 4, line 12, what does the abbreviation "sp." mean?*

*Is the repetition of "miliarius" on page 4, line 15, a typo?*

*On page 4, line 21, what does the punctuation in "[=Masticophis]" signify?*

*Is the repetition of "flagellum" on page 4, line 21, a typo?*

*Is the repetition of "spinifera" on page 4, line 23, a typo?*

*In the history note, are 113-291.2 and 113-292 necessary authority?*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: December 22, 2022

1 15A NCAC 10I .0105 is amended as published in 37:6 NCR 452-454 as follows:

2

3 **15A NCAC 10I .0105 SPECIAL CONCERN SPECIES LISTED**

4 The following species of resident wildlife shall be designated as State-listed special concern species:

5 (1) Amphibians:

6 ~~(a)~~ ~~Crevice salamander (Plethodon longicus);~~

7 (a) Collinses' mountain chorus frog (Pseudacris collinsorum);

8 ~~(a)~~(b) Crevice salamander (Plethodon longicus);

9 ~~(b)~~(c) Dwarf salamander (Eurycea quadridigitata);

10 ~~(c)~~(d) Dwarf black-bellied salamander (Desmognathus folkertsi);

11 ~~(d)~~(e) Eastern hellbender (Cryptobranchus alleganiensis alleganiensis);

12 ~~(e)~~(f) Four-toed salamander (Hemidactylium scutatum);

13 ~~(f)~~(g) Gray treefrog (Hyla versicolor);

14 ~~(g)~~(h) Mole salamander (Ambystoma talpoideum);

15 ~~(h)~~ ~~Mountain chorus frog (Pseudacris brachyphona);~~

16 (i) Mudpuppy (Necturus maculosus);

17 ~~(j)~~ ~~Neuse River waterdog (Necturus lewisi);~~

18 ~~(k)~~(j) Southern chorus frog (Pseudacris nigrita);

19 ~~(l)~~(k) Southern zigzag salamander (Plethodon ventralis); and

20 ~~(m)~~(l) Weller's salamander (Plethodon welleri).

21 (2) Birds:

22 (a) American oystercatcher (Haematopus palliatus);

23 (b) Bachman's sparrow (Peucaea aestivalis);

24 (c) Barn owl (Tyto alba);

25 (d) Black-capped chickadee (Poecile atricapillus);

26 (e) Black skimmer (Rynchops niger);

27 (f) Brown creeper (Certhia americana nigrescens);

28 (g) Cerulean warbler (Setophaga cerulea);

29 (h) Glossy ibis (Plegadis falcinellus);

30 (i) Golden-winged warbler (Vermivora chrysoptera);

31 (j) Least bittern (Ixobrychus exilis);

32 (k) Least tern (Sternula antillarum);

33 (l) Little blue heron (Egretta caerulea);

34 (m) Loggerhead shrike (Lanius ludovicianus);

35 (n) Painted bunting (Passerina ciris);

36 (o) Red crossbill (Loxia curvirostra);

37 (p) Snowy egret (Egretta thula);

- 1 (q) Tricolored heron (*Egretta tricolor*);
- 2 (r) Vesper sparrow (*Poocetes gramineus*); and
- 3 (s) Wilson's plover (*Charadrius wilsonia*).
- 4 (3) Crustacea:
- 5 (a) Carolina skistodiaptomus (*Skistodiaptomus carolinensis*);
- 6 (b) Carolina well diacyclops (*Diacyclops jeannelli putei*);
- 7 (c) Chowanoke crayfish (*Faxonius virginensis*);
- 8 (d) Graceful clam shrimp (*Lynceus gracilicornis*);
- 9 (e) Greensboro burrowing crayfish (*Cambarus catagius*);
- 10 (f) Hiwassee headwaters crayfish (*Cambarus parrishi*);
- 11 (g) Little Tennessee River crayfish (*Cambarus georgiae*);
- 12 (h) North Carolina spiny crayfish (*Faxonius carolinensis*); and
- 13 (i) Oconee stream crayfish (*Cambarus chaugaensis*).
- 14 (4) Fish:
- 15 (a) American brook lamprey (*Lethenteron appendix*);
- 16 (b) "Atlantic" Highfin carpsucker (*Carpiodes sp. cf. velifer*);
- 17 (c) Banded sculpin (*Cottus carolinae*);
- 18 (d) Blue Ridge sculpin (*Cottus caeruleomentum*);
- 19 (e) Blueside darter (*Etheostoma jessiae*);
- 20 (f) Broadtail madtom (*Noturus sp.*);
- 21 (g) Carolina darter (*Etheostoma collis*);
- 22 (h) Cutlip minnow (*Exoglossum maxillingua*);
- 23 (i) Freshwater drum (*Aplodinotus grunniens*);
- 24 (j) Kanawha minnow (*Phenacobius teretulus*);
- 25 (k) Lake sturgeon (*Acipenser fulvescens*);
- 26 (l) Least killifish (*Heterandria formosa*);
- 27 (m) Mooneye (*Hiodon tergisus*);
- 28 (n) Mountain madtom (*Noturus eleutherus*);
- 29 (o) Ohio lamprey (*Ichthyomyzon bdellium*);
- 30 (p) Olive darter (*Percina squamata*);
- 31 (q) Pinewoods darter (*Etheostoma mariaae*);
- 32 (r) River carpsucker (*Carpiodes carpio*);
- 33 (s) Sandhills chub (*Semotilus lumbee*);
- 34 (t) Seagreen darter (*Etheostoma thalassinum*);
- 35 ~~(u)~~ Sickie darter (*Percina williamsi*);
- 36 ~~(v)~~ Smoky dace (*Clinostomus sp.*);
- 37 ~~(w)~~ Striped shiner (*Luxilus chrysocephalus*);

- 1           ~~(w)~~(x) Snubnose darter (*Etheostoma simoterum*);
- 2           ~~(x)~~(y) "Thinlip" chub (*Cyprinella* sp. cf. *zanema*);
- 3           ~~(y)~~(z) Waccamaw killifish (*Fundulus waccamensis*);
- 4           ~~(z)~~(aa) Westfall's Darter (*Percina westfalli*);
- 5           ~~(aa)~~(bb) Wounded darter (*Etheostoma vulneratum*); and
- 6           ~~(bb)~~(cc) Yellowfin shiner (*Notropis lutipinnis*);
- 7           (5) Mammals:
- 8           (a) Allegheny woodrat (*Neotoma magister*);
- 9           (b) Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);
- 10          (c) Coleman's oldfield mouse (*Peromyscus polionotus colemani*);
- 11          (d) Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);
- 12          (e) Eastern small-footed bat (*Myotis leibii leibii*);
- 13          (f) Florida yellow bat (*Lasiurus intermedius floridanus*);
- 14          ~~(g) Pungo white footed mouse (*Peromyscus leucopus easti*);~~
- 15          ~~(h)~~(g) Southeastern bat (*Myotis austroriparius*);
- 16          ~~(i)~~(h) Southern rock vole (*Microtus chrotorrhinus carolinensis*); and
- 17          ~~(j)~~(i) Star-nosed mole (*Condylura cristata parva*).
- 18          (6) Mollusks:
- 19          (a) Appalachian gloss (*Zonitoides patuloides*);
- 20          (b) Bidentate dome (*Ventridens coelaxis*);
- 21          (c) Black mantleslug (*Pallifera hemphilli*);
- 22          (d) Blackwater ancyliid (*Ferrissia hendersoni*);
- 23          (e) Blue-foot lancetooth (*Haplotrema kendeighi*);
- 24          (f) Cape Fear spike (*Elliptio marsupiobesa*);
- 25          (g) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
- 26          (h) Dark glyph (*Glyphyalinia junaluskana*);
- 27          (i) Dwarf proud globe (*Patera clarki clarki*);
- 28          (j) Dwarf threetooth (*Triodopsis fulciden*);
- 29          (k) Fringed coil (*Helicodiscus fimbriatus*);
- 30          (l) Glossy supercoil (*Paravitrea placentula*);
- 31          (m) Great Smoky slitmouth (*Stenotrema depilatum*);
- 32          (n) High mountain supercoil (*Paravitrea andrewsae*);
- 33          (o) Honey glyph (*Glyphyalinia vanattai*);
- 34          (p) Lamellate supercoil (*Paravitrea lamellidens*);
- 35          (q) Mirey Ridge supercoil (*Paravitrea clappi*);
- 36          (r) Open supercoil (*Paravitrea umbilicaris*);
- 37          (s) Pink glyph (*Glyphyalinia pentadelphia*);

- 1 (t) Pod lance (*Elliptio folliculata*);  
 2 (u) Queen crater (*Appalachina chilhoweensis*);  
 3 (v) Ramp Cove supercoil (*Paravitrea lacteodens*);  
 4 (w) Ridged lioplax (*Lioplax subcarinata*);  
 5 (x) Roanoke slabshell (*Elliptio roanokensis*);  
 6 (y) Saw-tooth disc (*Discus bryanti*);  
 7 (z) Seep mudalia (*Leptoxis dilatata*);  
 8 (aa) Spike (*Eurynia dilatata*);  
 9 (bb) Spiral coil (*Helicodiscus bonamicus*);  
 10 (cc) Velvet covert (*Inflectarius subpalliatu*s);  
 11 (dd) Waccamaw amnicola (*Amnicola* sp.);  
 12 (ee) Waccamaw siltsnail (*Cincinnati*a sp.); and  
 13 (ff) Wavy-rayed lampmussel (*Lampsilis fasciola*).
- 14 (7) Reptiles:
- 15 (a) Carolina pigmy rattlesnake (*Sistrurus miliarius miliarius*);  
 16 (b) Carolina swamp snake (~~*Seminatrix pygaea paludis*~~); (*Liodytes pygaea paludis*);  
 17 (c) Carolina watersnake (*Nerodia sipedon williamengelsi*);  
 18 (d) Cumberland slider (*Trachemys scripta troostii*);  
 19 (e) Diamondback terrapin (*Malaclemys terrapin*);  
 20 (f) Eastern chicken turtle (*Deirochelys reticularia reticularia*);  
 21 (g) Eastern coachwhip (*Coluber* (=Masticophis) *flagellum flagellum*);  
 22 (h) Eastern slender glass lizard (*Ophisaurus ~~attenuates~~ attenuatus longicaudus*);  
 23 (i) Eastern spiny softshell (*Apalone spinifera spinifera*);  
 24 (j) Northern map turtle (*Graptemys geographica*);  
 25 (k) Outer Banks kingsnake (*Lampropeltis getula sticticeps*);  
 26 (l) Stripeneck musk turtle (*Sternotherus minor peltifer*); and  
 27 (m) Timber rattlesnake (*Crotalus horridus*).

28

29 *History Note: Authority G.S. 113-134; 113-291.2; 113-292; 113-333;*  
 30 *Eff. September 1, 1989;*  
 31 *Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; July 18, 2002; April 1, 2001;*  
 32 *November 1, 1991; April 1, 1991; June 1, 1990;*  
 33 *Readopted Eff. October 1, 2021.*  
 34 *Amended Eff. February 1, 2023.*  
 35  
 36