



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 .0501 - Definitions and General Requirements	
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 <input checked="" type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 3/31/23 b. Proposed Temporary Rule published on the OAH website: 4/5/23 c. Public Hearing date: 4/18/23 d. Comment Period: 3/31/23-4/28/23 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 3/31/23 f. Adoption by agency on: 6/6/23 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]: 7/1/23 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 checked="" 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: Emergency powers G.S. 113-306(f) Explain: Based on recent detections of chronic wasting disease (CWD) outside of the currently designated primary surveillance area, the agency needs to adjust restrictions and requirements to assist with further detection, delineation, and isolation of CWD. Emergency powers are being used by the Executive Director to implement localized response actions and temporary rules are needed to replace emergency powers and specify requirements necessary to reduce movement and the likelihood of infecting new areas.	

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

Per G.S. 113-306(f), a determination that a disease outbreak has occurred shall constitute a basis for adoption of a temporary rule. Additionally, emergency powers expire 90 days after the Commission determines that an outbreak has occurred unless temporary rules are adopted to replace emergency powers. Adoption of these rules is necessary to appropriately manage the detection and isolation of CWD through the upcoming hunting seasons and until permanent rules can be adopted.

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

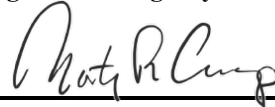
E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Melva Bonner

Phone: 919-707-0014

E-Mail: melva.bonner@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:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0501

DEADLINE FOR RECEIPT: Tuesday, June 13, 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:

“Any” and “all” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. These appear on lines 7 and 10.

“At least” should be avoided if possible. This appears on line 20.

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

Note: The Wildlife Resources Commission requests the addition of a new section to Subchapter 10B of Chapter 10 of Title 15A of the Administrative Code to be titled as follows: Section .0500 Chronic Wasting Disease Management.

15A NCAC 10B .0501 is adopted under temporary procedures as follows:

15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to any area of the State where Chronic Wasting Disease (CWD) has been detected, as determined by the Commission.

(b) The following definitions shall apply to rules in this Section:

- (1) "Cervid" means all animals in the Family Cervidae not otherwise regulated by the NC Department of Agriculture and Consumer Services.
- (2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf of the Commission.
- (3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion disease affecting species within the deer (Cervidae) Family.
- (4) "CWD Management Area" means the area delineated by the Commission where CWD has been determined to be endemic and the rules of this Section apply.
- (5) "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for CWD surveillance where a confirmed CWD positive cervid has been found.
- (6) "Sample" means the cervid head and at least three inches of the neck.
- (7) "Secondary Surveillance Area" or "SSA" means a county adjacent to or near a PSA delineated by the Commission for CWD surveillance.
- (8) "Submit" means to deliver a sample to a cervid health cooperator or qualified Commission employee or deposit in a Commission CWD Testing Drop-off Station.
- (9) "Surveillance Area" means the PSA and SSA collectively.

History Note: Authority G.S. 113-134; 113-306;



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="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 3/31/23 b. Proposed Temporary Rule published on the OAH website: 4/5/23 c. Public Hearing date: 4/18/23 d. Comment Period: 3/31/23-4/28/23 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 3/31/23 f. Adoption by agency on: 6/6/23 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]: 7/1/23 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 checked="" 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: Emergency powers G.S. 113-306(f) Explain: Based on recent detections of chronic wasting disease (CWD) outside of the currently designated primary surveillance area, the agency needs to adjust restrictions and requirements to assist with further detection, delineation, and isolation of CWD. Emergency powers are being used by the Executive Director to implement localized response actions and temporary rules are needed to replace emergency powers and specify requirements necessary to reduce movement and the likelihood of infecting new areas.	

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

Per G.S. 113-306(f), a determination that a disease outbreak has occurred shall constitute a basis for adoption of a temporary rule. Additionally, emergency powers expire 90 days after the Commission determines that an outbreak has occurred unless temporary rules are adopted to replace emergency powers. Adoption of these rules is necessary to appropriately manage the detection and isolation of CWD through the upcoming hunting seasons and until permanent rules can be adopted.

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

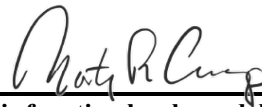
E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Melva Bonner

Phone: 919-707-0014

E-Mail: melva.bonner@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:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0503

DEADLINE FOR RECEIPT: Tuesday, June 13, 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), "each year" is unnecessary and should be deleted. Also, change "for the purpose of hunting" to "to hunt".

"Any", "all", and "such" should not be used if "a", "an", or "the" can be used with the same meaning or if the word can be omitted. These appear on page 1, lines 17, 30, 34, 37; page 2, lines 3, 4, 5, 8.

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

1 15A NCAC 10B .0503 is amended under temporary procedures as follows:

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

4 (a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be
5 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 *specifically designed for*
7 *nongame birds* and other activities specifically permitted by the Commission shall be allowed. Placement of bait,
8 food, or food products for the purpose of hunting during the urban archery season shall be allowed within the
9 established season in participating municipalities.

10 ~~(b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.~~

11 ~~(c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the~~
12 ~~Surveillance Area.~~

13 ~~(d) No cervid carcass or carcass parts originating from inside a Primary Surveillance Area or Secondary~~
14 ~~Surveillance Area shall be transported outside of the county of origin, except:~~

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

17 (1) meat that has been boned out such that no pieces or fragments of bone remain;

18 (2) caped hides with no part of the skull or spinal column attached;

19 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;

20 (4) cleaned lower jawbones with teeth or cleaned teeth;

21 (5) finished taxidermy products and tanned hides; and

22 (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

23 (7) carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or
24 outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and

25 (8) carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or
26 PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.

27 ~~(e) White tailed deer fawn rehabilitation is prohibited in a Surveillance Area.~~

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

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

34 (1) products containing synthetic analogs of cervid excretions and labeled as such;

35 (2) natural substances collected from facilities within North Carolina that have a valid Farmed Cervid
36 License from the North Carolina Department of Agriculture and Consumer Services and are labeled
37 as such;

- 1 (3) natural deer urine products containing excretions from facilities within North Carolina that have a
2 valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer
3 Services and are labeled as such; and
- 4 (4) natural deer urine products containing excretions from facilities that meet all the following
5 requirements and are labeled as such:
- 6 (A) determined to be free of chronic wasting disease (CWD) based on testing by an
7 independent laboratory using a method that may help detect the presence of CWD prions;
- 8 (B) complies with a federally approved CWD herd certification program and any federal CWD
9 protocols; and
- 10 (C) participates in additional herd management requirements as specified by the Wildlife
11 Resources Commission.

12

13 History Note: Authority G.S. 113-134; 113-306;

14



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 .0504 – Primary Surveillance Area	
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 <input checked="" type="checkbox"/> No Effective date:	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 3/31/23 b. Proposed Temporary Rule published on the OAH website: 4/5/23 c. Public Hearing date: 4/18/23 d. Comment Period: 3/31/23-4/28/23 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 3/31/23 f. Adoption by agency on: 6/6/23 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]: 7/1/23 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
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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

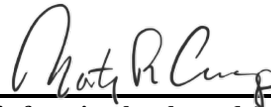
E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Melva Bonner

Phone: 919-707-0014

E-Mail: melva.bonner@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:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0504

DEADLINE FOR RECEIPT: Tuesday, June 13, 2022

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

“Any” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. This appears on lines 4 and 7.

In both Paragraph (a) and (b), the Rule citation should be: “Rule 10B .0203(a)(1)(C) and (E) of this Subchapter”.

In Paragraph (a), “no later than” should be “not later than”, and the “2” should be “two”.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 8, 2022

1 15A NCAC 10B .0504 is adopted under temporary procedures as follows:
2

3 **15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREA**

4 (a) Any hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday thereafter in
5 PSA counties listed in 10B .0203(a)(1)(C) or (E) shall submit a sample from that cervid no later than 2 weeks
6 following the harvest for CWD testing.

7 (b) Any hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd
8 Sunday thereafter in PSA counties listed in 10B .0203(a)(1)(A) or (B) shall submit a sample from that cervid no
9 later than 2 weeks following the harvest for CWD testing.

10
11 History Note: Authority G.S. 113-134; 113-306;
12



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 .0505 – Secondary Surveillance Area	
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 <input checked="" type="checkbox"/> No Effective date:	
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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

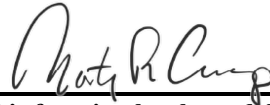
E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Melva Bonner

Phone: 919-707-0014

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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:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0505

DEADLINE FOR RECEIPT: Tuesday, June 13, 2022

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In Paragraph (a), “no later than” should be “not later than”, and the “2” should be “two”.

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Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 8, 2022

1 15A NCAC 10B .0505 is adopted under temporary procedures as follows:
2

3 **15A NCAC 10B .0505 SECONDARY SURVEILLANCE AREA**

4 (a) Any hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday thereafter in
5 SSA counties listed in 10B .0203(a)(1)(C) or (E) shall submit a sample from that cervid no later than 2 weeks
6 following the harvest for CWD testing.

7 (b) Any hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd
8 Sunday thereafter in SSA counties listed in 10B .0203(a)(1)(A) or (B) shall submit a sample from that cervid no
9 later than 2 weeks following the harvest for CWD testing.

10
11 History Note: Authority G.S. 113-134; 113-306;
12