

Burgos, Alexander N

Subject: FW: September RFC for WRC

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Tuesday, September 24, 2024 3:28 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: September RFC for WRC

Thank you.

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, September 24, 2024 3:28 PM
To: Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: September RFC for WRC

Thank you. We will get the website updated and I will make sure the Commissioners are aware of the change.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: September RFC for WRC
Attachments: 15A NCAC 10I .0102 - Tech_(9-24-24).docx

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Tuesday, September 24, 2024 3:07 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: September RFC for WRC

Good Afternoon,

Please see the updated attached rule text. We have updated the reference to restrict the reference to Subchapter B, the "Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants".

Please let us know if you have any additional questions or concerns.

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

1 15A NCAC 10I .0102 is readopted with changes as published in 38:19 NCR 1244 as follows:

2
3 **15A NCAC 10I .0102 PROTECTION OF ~~ENDANGERED/THREATENED/SPECIAL~~ ENDANGERED,**
4 **THREATENED, AND SPECIAL CONCERN SPECIES**

5 (a) ~~No Open Season.~~ There is no open season for taking any of the species listed as endangered in Rule in Rules
6 .0103, .0104, or .0105 or threatened in Rule .0104 of this Section, except for the American alligator (Alligator
7 mississippiensis) mississippiensis) as set forth in 15A NCAC 10B .0224, the rules of this Chapter. Unless otherwise
8 provided in North Carolina General Statutes or the rules of this Chapter,

9 (b) Except as provided in Paragraphs ~~(b)~~ (d) and ~~(d)~~ (h) of this rule, there is no open season for taking any of
10 purchase, sale, or take of the species listed as ~~special concern in Rule in Rules~~ .0103, .0104, or .0105 of this Section.
11 Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in
12 Rules .0103, .0104, or .0105 of this Section at any time.

13 (b) (c) Permits. Take of federally listed endangered and threatened fish and wildlife species requires a federal permit,
14 as specified in 50 C.F.R Chapter 1, Subchapter B, hereby incorporated by reference, including subsequent amendments
15 and additions, and a state endangered species permit, as specified in paragraph (d) of this Rule. 50 CFR is available
16 free of charge at www.ecfr.gov.

17 (d) The Executive Director or his or her designee may issue endangered species permits to take or possess an take,
18 possess, sell, propagate, transport, import, export, transfer, barter, trade, or stock federally and state listed endangered,
19 threatened, or special concern ~~species:~~ species to:

20 (1) to an individual or institution ~~with experience and training in handling, and caring for the wildlife~~
21 and in conducting a scientific study, investigation for the purpose of scientific investigation relevant
22 to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration
23 effort; perpetuation, restoration, or management of a species;

24 (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained
25 the ~~specimen or specimens~~ in his or her possession, possesses the ~~requisite~~ equipment and expertise
26 to care for ~~such specimen or the specimens~~, and abides by the applicable caging requirements for
27 the species set forth in 15A NCAC 10H .0302; .1404;

28 (3) to a person who lawfully possessed ~~any such the~~ species for ~~more than~~ 90 days immediately prior
29 to the date that ~~such the~~ species was listed and who abides by the applicable caging requirements
30 for the species set forth in 15A NCAC 10H .1404; .0302, ~~provided however, that no permit shall be~~
31 ~~issued more than 90 days after the effective date of the initial listing for that species; or~~

32 (4) to a person with demonstrable depredation from a Special Concern Species, or ~~the~~ American
33 alligator (Alligator ~~mississippiensis~~); mississippiensis);

34 (5) [to] a licensed [falconer;] falconer who meets the requirements of the rules in 15A NCAC 10H .0800;

35 (6) [to] a retail or wholesale establishment whose primary function is providing scientific supplies,
36 provided that:

1 (A) the specimens were lawfully obtained from captive populations or wild populations outside
 2 of North Carolina;
 3 (B) the specimens are possessed in indoor facilities; and
 4 (C) safeguards are provided during transportation to prevent accidental escape of the
 5 specimens.
 6 (7) ~~te~~ state and federal government agencies, corporate research entities, and research institutions
 7 within North Carolina provided that:
 8 (A) the specimens are possessed in indoor facilities;
 9 (B) safeguards are provided during transportation to prevent accidental escape of the
 10 specimens; and
 11 (C) the agency's or institution's Animal Care and Use Committee has approved the research
 12 protocol for the ~~species;~~ species.
 13 ~~(D) — no specimens shall be stocked or released in the public or private waters or lands of North~~
 14 ~~Carolina; and]~~
 15 ~~(E) — specimens shall not be transferred to any private individual.]~~
 16 ~~(e)~~ Additional permits or authorizations from the Commission shall be required for importation, exportation,
 17 propagation, transportation, stocking, and release of endangered, threatened, or special concern species.
 18 ~~(e)~~ (f) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by
 19 providing the following information:
 20 (1) name, address, phone number, and ~~email;~~ email of the applicant;
 21 (2) applicant's affiliation, if applicable;
 22 ~~(3)~~ (3) species name and quantity;
 23 ~~(3)~~ (4) proposed activities;
 24 ~~(4)~~ (5) map with specific location of activities identified, if applicable;
 25 ~~(5)~~ (6) the source of the specimens and documentation of lawful acquisition;
 26 ~~(6)~~ (7) caging or confinement plans for specimens, if applicable;
 27 ~~(7)~~ (8) applicant's qualifications and explanation of ~~experience;~~ experience for anyone working with
 28 the species;
 29 ~~(8)~~ (9) research proposal, if applicable;
 30 ~~(9)~~ (10) acknowledgement proof that ~~additional~~ federal permits ~~may be required;~~ have been applied for
 31 or obtained, if applicable;
 32 ~~(10)~~ (11) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if
 33 applicable; and
 34 ~~(11)~~ (12) plans for final disposition of specimens.
 35 ~~(e)~~ (d) (g) Endangered species permits shall not be transferrable by license holder or by site.
 36 (h) Taking Without a Permit: The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or
 37 possessed without a permit when:

- (1) ~~An~~ an individual ~~may take an endangered, threatened, or special concern~~ takes the species in defense of his or her own life or the lives of ~~others.~~ others, as described in Rule 10B .0106.
- (2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC 10B .0224.
- (3) an individual possesses meat or other parts of American alligators that have been lawfully taken, possessed, or bought in a state where there is an open season for harvesting alligators and the products are marketed in packages or containers that are labeled to indicate the state in which the animals were taken and the identity, address, and lawful authority of the processor or distributor.
- (4) an individual is taking or harassing a red wolf (Canis rufus) pursuant to the conditions in 50 CFR 17.84(c), hereby incorporated by reference, including subsequent amendments and editions, available free of charge at www.ecfr.gov.
- ~~(2)(5)~~ A state or federal conservation officer or employee ~~an individual who is designated by his agency to do so may,~~ meets the requirements of G.S. 113-261, who, when acting in the course of his or her official duties, ~~take, possess, and transport~~ takes, possesses, or transports endangered, threatened, or special concern species if the action is necessary to:
- (A) aid a sick, injured, diseased, or orphaned specimen;
 - (B) dispose of a dead specimen;
 - (C) salvage a dead specimen that may be useful for scientific study; or
 - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety ~~safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live capturing and releasing~~ release the specimen unharmed, in a habitat that is suitable for ~~the survival of that species.~~ survival.
- ~~(d) [(e)] (i) Reporting. Any taking or possession of an~~ Take, possession, sale, propagation, transportation, importation, exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs ~~(b) (d) and (e) [(d)] (h) of this Rule is subject to applicable federal reporting requirements, requirements of federal law and regulations, and the~~ and reporting requirements of the permit issued by the Executive Director or endangered species permit. ~~[permit, and applicable requirements] of 15A NCAC 10B .0106(e).~~
- ~~(e) Exceptions.~~
- (1) ~~Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.~~
 - (2) ~~Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.~~

~~(3) Captive bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~

~~(4) Red Wolves (Canis rufus) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 CFR 17.84(e). 50 CFR 17.84(e) is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~

~~(5) Importation, possession, sales, transportation, and exportation of species listed as special concern species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research, provided that:~~

~~(A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;~~

~~(B) they are possessed in indoor facilities;~~

~~(C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and~~

~~(D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.~~

~~(f) A written application to the Commission shall be required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.~~

~~(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions, provided that:~~

~~(1) sales are permitted to out of state consumers;~~

~~(2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;~~

~~(3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and~~

~~(4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.~~

History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; [113-337](#);

Eff. June 11, 1977;

Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.

1 *Temporary Amendment Eff. February 27, 2015;*
2 *Amended Eff. February 1, 2023; July 1, ~~2016~~-2016;*
3 *Readopted Eff. October 1, 2024.*

Burgos, Alexander N

Subject: FW: September RFC for WRC

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, September 24, 2024 10:44 AM
To: Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: September RFC for WRC

Good morning,

A commissioner asked me a question about one of your rules on tomorrow's agenda which we had not previously discussed. We wanted to give you a heads up that these issues may come up at tomorrow's meeting.

In rule 15A NCAC 10I .0102, on line 14, you have incorporated the entirety of 50 CFR. Is it necessary to incorporate all of that title, which appears to be over 1000 pages?

Additionally, are all of the regulations in title 50, which are presumably within the authority of the federal government, also within the authority of your state agency?

If you'd like to discuss these or respond in writing prior to the meeting, let me know.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

From: Bonner, Melva G
Sent: Tuesday, September 17, 2024 11:16 AM
To: Ascher, Seth M
Cc: Ruhlman, Carrie A; Burgos, Alexander N
Subject: RE: September RFC for WRC

Thank you.

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, September 17, 2024 11:16 AM
To: Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: September RFC for WRC

Thank you for your prompt response. I anticipate recommending approval of the final revised version of these rules at September's meeting. I'll let you know if anything changes between now and then.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Tuesday, September 17, 2024 9:58 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: September RFC for WRC

Good Morning,

The revised rules and our responses to your requests and questions are attached. Please let us know if you have additional questions or need more information.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0014
ncwildlife.org

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, September 9, 2024 4:11 PM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: September RFC for WRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Wildlife Resources Commission for the September 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, September 25, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. For any rules not included, I had no questions. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on September 20, 2024.

Please let me know if you have any questions or concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;, and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0102

DEADLINE FOR RECEIPT: September 20, 2024

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:

*Regarding (c) and (d), if someone is taking a federally listed endangered or threatened species do they need both a federal and state permit? **In most cases, yes. However, a qualified employee or designated agent of the NCWRC may take a federally listed species for certain purposes without a federal permit when acting in their official capacity. Additionally, an individual may take a federally listed species in defense of their own life or the life of others.***

*If so, does the state have authority to deny a permit if one is issued by the federal government? **The NCWRC can't deny an importation, exportation, or interstate or foreign commerce permit. We could likely deny a permit if the collection method or number of species approved for take was cause for concern, but this is unlikely. Our biologists work with the US Fish & Wildlife Service on the issuance of ES permits per our Section 6 Agreement. If a situation arose where an individual had their federal permit and we were questioning the issuance of our ES permit, we would work with the individual and the feds to address the concerns.***

*If both permits are required, consider clarifying on line 13 that the federal and state permits are separate things. I.e. "requires a separate federal permit". **Clarified.***

*If not, should endangered and threatened be removed on line 17? **No. It appears that the only endangered and threatened lists in the NCAC are federally listed. The WRC maintains lists of federally and state listed species in the NCAC. We issue permits for both and Paragraph (d) has been updated to clarify to specify applicability to federally and state listed species.***

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: September 9, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0104

DEADLINE FOR RECEIPT: September 20, 2024

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, should "federally listed" be hyphenated? **No**. It is not in .0102 or .0103.
This should be consistent throughout the rules. **Fixed**.*

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10I .0105

DEADLINE FOR RECEIPT: September 20, 2024

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, should "State listed" be hyphenated? **No**. I think this should be consistent with how "federally listed" is treated. **Fixed throughout.***

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

1 15A NCAC 10I .0102 is readopted with changes as published in 38:19 NCR 1244 as follows:

2
3 **15A NCAC 10I .0102 PROTECTION OF ~~ENDANGERED/THREATENED/SPECIAL~~ ENDANGERED,**
4 **THREATENED, AND SPECIAL CONCERN SPECIES**

5 (a) ~~No Open Season.~~ There is no open season for taking any of the species listed as endangered in Rule in Rules
6 .0103, .0104, or .0105 or threatened in Rule .0104 of this Section, except for the American alligator (Alligator
7 mississippiensis) mississippiensis) as set forth in 15A NCAC 10B .0224. the rules of this Chapter. Unless otherwise
8 provided in North Carolina General Statutes or the rules of this Chapter,

9 (b) Except as provided in Paragraphs ~~(b)~~ (d) and ~~(d)~~ (h) of this rule, there is no open season for taking any of
10 purchase, sale, or take of the species listed as ~~special concern in Rule in Rules .0103, .0104, or .0105 of this Section.~~
11 Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in
12 Rules .0103, .0104, or .0105 of this Section at any time.

13 (b) (c) Permits. Take of federally listed endangered and threatened fish and wildlife species requires a federal permit,
14 as specified in 50 CFR, hereby incorporated by reference, including subsequent amendments and additions, and a state
15 endangered species permit, as specified in paragraph (d) of this Rule. 50 CFR is available free of charge at
16 www.ecfr.gov.

17 (d) The Executive Director or his or her designee may issue endangered species permits to take or possess an take,
18 possess, sell, propagate, transport, import, export, transfer, barter, trade, or stock federally and state listed endangered,
19 threatened, or special concern ~~species:~~ species to:

- 20 (1) to an individual or institution ~~with experience and training in handling, and caring for the wildlife~~
21 and in conducting a scientific study, investigation for the purpose of scientific investigation relevant
22 to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration
23 effort; perpetuation, restoration, or management of a species;
24 (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained
25 the ~~specimen or~~ specimens in his or her possession, possesses the ~~requisite~~ equipment and expertise
26 to care for ~~such specimen or the~~ specimens, and abides by the applicable caging requirements for
27 the species set forth in 15A NCAC 10H .0302; .1404;
28 (3) to a person who lawfully possessed ~~any such the~~ species for ~~more than~~ 90 days immediately prior
29 to the date that ~~such the~~ species was listed and who abides by the applicable caging requirements
30 for the species set forth in 15A NCAC 10H .1404; .0302, ~~provided however, that no permit shall be~~
31 ~~issued more than 90 days after the effective date of the initial listing for that species; or~~
32 (4) to a person with demonstrable depredation from a Special Concern Species, or ~~the~~ American
33 alligator (Alligator ~~mississippiensis~~); mississippiensis;
34 (5) [to] a licensed [falconer;] falconer who meets the requirements of the rules in 15A NCAC 10H .0800;
35 (6) [to] a retail or wholesale establishment whose primary function is providing scientific supplies,
36 provided that:

(A) the specimens were lawfully obtained from captive populations or wild populations outside of North Carolina;
 (B) the specimens are possessed in indoor facilities; and
 (C) safeguards are provided during transportation to prevent accidental escape of the specimens.
 (7) [te] state and federal government agencies, corporate research entities, and research institutions within North Carolina provided that:
 (A) the specimens are possessed in indoor facilities;
 (B) safeguards are provided during transportation to prevent accidental escape of the specimens; and
 (C) the agency's or institution's Animal Care and Use Committee has approved the research protocol for the [species; species.
 (D) no specimens shall be stocked or released in the public or private waters or lands of North Carolina; and]
 (E) specimens shall not be transferred to any private individual.]
 (e) Additional permits or authorizations from the Commission shall be required for importation, exportation, propagation, transportation, stocking, and release of endangered, threatened, or special concern species.
 (f) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by providing the following information:
 (1) name, address, phone number, and [email; email of the applicant;
 (2) applicant's affiliation, if applicable;
 (3) species name and quantity;
 (4) proposed activities;
 (5) map with specific location of activities identified, if applicable;
 (6) the source of the specimens and documentation of lawful acquisition;
 (7) caging or confinement plans for specimens, if applicable;
 (8) [applicant's] qualifications and explanation of [experience; experience for anyone working with the species;
 (9) research proposal, if applicable;
 (10) [acknowledgement] proof that [additional] federal permits [may be required; have been applied for or obtained, if applicable;
 (11) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if applicable; and
 (12) plans for final disposition of specimens.
 (g) Endangered species permits shall not be transferrable by license holder or by site.
 (h) Taking Without a Permit: The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or possessed without a permit when:

- (1) ~~An~~ an individual ~~may take an endangered, threatened, or special concern~~ takes the species in defense of his or her own life or the lives of ~~others.~~ others, as described in Rule 10B .0106.
- (2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC 10B .0224.
- (3) an individual possesses meat or other parts of American alligators that have been lawfully taken, possessed, or bought in a state where there is an open season for harvesting alligators and the products are marketed in packages or containers that are labeled to indicate the state in which the animals were taken and the identity, address, and lawful authority of the processor or distributor.
- (4) an individual is taking or harassing a red wolf (Canis rufus) pursuant to the conditions in 50 CFR 17.84(c), hereby incorporated by reference, including subsequent amendments and editions, available free of charge at www.ecfr.gov.
- ~~(2)(5)~~ A state or federal conservation officer or employee an individual who is designated by his agency to do so ~~may~~, meets the requirements of G.S. 113-261, who, when acting in the course of his or her official duties, ~~take, possess, and transport~~ takes, possesses, or transports endangered, threatened, or special concern species if the action is necessary to:
- (A) aid a sick, injured, diseased, or orphaned specimen;
 - (B) dispose of a dead specimen;
 - (C) salvage a dead specimen that may be useful for scientific study; or
 - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety ~~safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live capturing and releasing~~ release the specimen unharmed, in a habitat that is suitable for ~~the survival of that species.~~ survival.
- ~~(d) [(e)] (i)~~ Reporting. ~~Any taking or possession of an~~ Take, possession, sale, propagation, transportation, importation, exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs ~~(b) (d)~~ and ~~(e) [(d)] (h)~~ of this Rule is subject to applicable federal reporting requirements, ~~requirements of federal law and regulations, and the~~ and reporting requirements of the permit issued by the Executive Director or endangered species permit. ~~[permit, and applicable requirements]~~ of 15A NCAC 10B .0106(e).
- ~~(e) Exceptions.~~
- (1) ~~Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.~~
- (2) ~~Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.~~

~~(3) Captive bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~

~~(4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 CFR 17.84(e). 50 CFR 17.84(e) is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.~~

~~(5) Importation, possession, sales, transportation, and exportation of species listed as special concern species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research, provided that:~~

~~(A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;~~

~~(B) they are possessed in indoor facilities;~~

~~(C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and~~

~~(D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.~~

~~(f) A written application to the Commission shall be required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.~~

~~(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions, provided that:~~

~~(1) sales are permitted to out of state consumers;~~

~~(2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;~~

~~(3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and~~

~~(4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.~~

History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; [113-337](#);

Eff. June 11, 1977;

Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.

- 1 *Temporary Amendment Eff. February 27, 2015;*
- 2 *Amended Eff. February 1, 2023; July 1, ~~2016~~-2016;*
- 3 *Readopted Eff. October 1, 2024.*

1 15A NCAC 10I .0104 is amended as published in 38:19 NCR 1247 as follows:

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

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

- 5 (1) Amphibians: 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.
- 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*)~~ West Indian Manatee (*Trichechus*
16 *manatus*), when found in inland fishing waters as defined in G.S. 113-129(9).
- 17 (6) Mollusks:
 - 18 (A) Atlantic pigtoe (*Fusconaia masoni*);
 - 19 (B) Longsolid (*Fusconaia subrotunda*);
 - 20 ~~(B)(C)~~ Noonday globe (*Patera clarki nantahala*); and
 - 21 ~~(C)(D)~~ Yellow lance (*Elliptio lanceolata*).
- 22 (7) Reptiles:
 - 23 (A) Bog turtle (*Glyptemys muhlenbergii*);
 - 24 (B) American alligator (*Alligator mississippiensis*); mississippiensis;
 - 25 (C) Green sea turtle (*Chelonia mydas*); and
 - 26 (D) Loggerhead sea turtle (*Caretta caretta*).

27 (b) The following species of resident wildlife are designated as ~~State listed~~ **State listed** threatened species:

- 28 (1) Amphibians:
 - 29 (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
 - 30 (B) Green salamander (*Aneides aeneus*);
 - 31 (C) Junaluska salamander (*Eurycea junaluska*);
 - 32 (D) Eastern long-tailed ~~Long-tailed~~ salamander (*Eurycea longicauda* longicauda);
 - 33 (E) Mabee's salamander (*Ambystoma mabeei*);
 - 34 (F) Pine Barrens tree frog (*Hyla andersonii*); and
 - 35 (G) Wehrle's salamander (*Plethodon wehrlei*).
- 36 (2) Birds:
 - 37 (A) Bald eagle (*Haliaeetus leucocephalus*);

- (B) Black skimmer (*Rynchops niger*);
- ~~(B)~~(C) Caspian tern (*Hydroprogne caspia*);
- ~~(C)~~(D) Gull-billed tern (*Gelochelidon nilotica aranea*);
- ~~(D)~~(E) Northern saw-whet owl (*Aegolius acadicus*); and
- (F) Rusty blackbird (*Euphagus carolinus*).
- (3) Crustacea:
- (A) Broad River spiny crayfish (*Cambarus spicatus*);
- (B) French Broad crayfish (*Cambarus reburus*);
- (C) Pamlico crayfish (*Procambarus medialis*);
- (D) Sandhills crayfish (*Procambarus pearsei*); and
- (E) South Mountains crayfish (*Cambarus franklini*).
- (4) Fish:
- (A) Bigeye jumprock (*Moxostoma ariommum*);
- (B) Blotched chub (*Erimystax insignis*);
- (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
- (D) Carolina redhorse (*Moxostoma* sp.);
- (E) Ironcolor shiner (~~*Notropis*~~ *Alburnops chalybaeus*);
- (F) Least brook lamprey (*Lampetra aepyptera*);
- (G) Logperch (*Percina caprodes*);
- (H) Mimic shiner (~~*Notropis*~~ *Paranotropis volucellus*);
- (I) Rosyface chub (*Hybopsis rubrifrons*);
- (J) Sharphead darter (~~*Etheostoma*~~ *Nothonotus acuticeps*);
- (K) Santee chub (*Cyprinella zanema*);
- (L) Sicklefin redhorse (*Moxostoma* sp.);
- (M) Thicklip chub (*Cyprinella labrosa*);
- (N) Turquoise darter (*Etheostoma inscriptum*); and
- (O) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
- (A) Eastern woodrat (*Neotoma floridana floridana*);
- (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
- (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
- (A) Alewife floater (*Utterbackiana implicata*);
- (B) Big-tooth covert (*Fumonelix jonesiana*);
- (C) Cape Fear threetooth (*Triodopsis soelneri*);
- (D) Eastern lampmussel (*Lampsilis radiata*);
- (E) Eastern pondmussel (~~*Ligumia nasuta*~~; *Sagittunio nasutus*);

- 1 (F) Engraved covert (*Fumonelix orestes*);
2 (G) Mountain creekshell (~~*Villosa*~~ (*Leaunio vanuxemensis*);
3 (H) Notched rainbow (~~*Villosa*~~ (*Venustaconcha constricta*);
4 (I) Rainbow (~~*Villosa*~~ (*Cambarunio iris*);
5 (J) Roan supercoil (*Paravitrea varidens*);
6 (K) Sculpted supercoil (*Paravitrea ternaria*);
7 (L) Smoky Mountain covert (*Inflectarius ferrissi*);
8 (M) Creeper (*Strophitus undulatus*);
9 (N) Tidewater mucket (~~*Leptodea*~~ (*Atlanticoncha ochracea*);
10 (O) Triangle floater (*Alasmidonta undulata*); and
11 (P) Waccamaw ambersnail (*Catinella waccamawensis*).
12 (7) Reptiles:
13 (A) Northern pine snake (*Pituophis melanoleucus melanoleucus*); and
14 (B) Southern hognose snake (*Heterodon simus*).
15

16 *History Note:* *Authority G.S. 113-134; 113-333;*
17 *Eff. March 17, 1978;*
18 *Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1, 1990;*
19 *September 1, 1989;*
20 *Temporary Amendment Eff. February 27, 2015;*
21 *Amended Eff. October 1, 2017; July 1, 2016; August 1, 2016;*
22 *Readopted Eff. October 1, 2021;*
23 *Amended Eff. October 1, 2024; February 1, 2023.*
24

1 15A NCAC 10I .0105 is amended as published in 38:19 NCR 1248 as follows:

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

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

5 (1) Amphibians:

- 6 (a) Collinses' mountain chorus frog (*Pseudacris collinsorum*);
- 7 (b) Crevice salamander (*Plethodon longicus*);
- 8 (c) Dwarf salamander (*Eurycea quadridigitata*);
- 9 (d) Dwarf black-bellied salamander (*Desmognathus folkertsi*);
- 10 (e) Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*);
- 11 (f) Four-toed salamander (*Hemidactylium scutatum*);
- 12 (g) Gray treefrog (*Hyla versicolor*);
- 13 (h) Mole salamander (*Ambystoma talpoideum*);
- 14 (i) Mudpuppy (*Necturus maculosus*);
- 15 (j) Southern chorus frog (*Pseudacris nigrita*);
- 16 (k) Southern zigzag salamander (*Plethodon ventralis*); and
- 17 (l) Weller's salamander (*Plethodon welleri*).

18 (2) Birds:

- 19 (a) American oystercatcher (*Haematopus palliatus*);
- 20 (b) Bachman's sparrow (*Peucaea aestivalis*);
- 21 (c) Barn owl (*Tyto alba*);
- 22 (d) Black-capped chickadee (*Parus atricapillus*);
- 23 ~~(e) Black skimmer (*Rynchops niger*);~~
- 24 ~~(f)(e)~~ Brown creeper (*Certhia americana nigrescens*);
- 25 ~~(g)(f)~~ Cerulean warbler (*Setophaga cerulea*);
- 26 ~~(h)(g)~~ Glossy ibis (*Plegadis falcinellus*);
- 27 ~~(i)(h)~~ Golden-winged warbler (*Vermivora chrysoptera*);
- 28 ~~(j)(i)~~ Least bittern (*Ixobrychus exilis*);
- 29 ~~(k)(j)~~ Least tern (*Sternula antillarum*);
- 30 ~~(l)(k)~~ Little blue heron (*Egretta caerulea*);
- 31 ~~(m)(l)~~ Loggerhead shrike (*Lanius ludovicianus*);
- 32 ~~(n)(m)~~ Painted bunting (*Passerina ciris*);
- 33 ~~(o)(n)~~ Red crossbill (*Loxia curvirostra*);
- 34 ~~(p)(o)~~ Snowy egret (*Egretta thula*);
- 35 (p) Swallow-tailed kite (*Elanoides forficatus*);
- 36 (q) Tricolored heron (*Egretta tricolor*);
- 37 ~~(r)(q)~~ Vesper sparrow (*Pooecetes gramineus*); and

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

- 1 ~~(y)~~(z) "Thinlip" chub (*Cyprinella* sp. cf. *zanema*);
- 2 ~~(z)~~(aa) Waccamaw killifish (*Fundulus waccamensis*);
- 3 ~~(aa)~~ ~~Westfall's darter (*Percina westfalli*);~~
- 4 (bb) Wounded darter (~~*Etheostoma vulneratum*~~; *Nothonotus vulneratus*); and
- 5 (cc) Yellowfin shiner (~~*Notropis*~~ *Hydrophlox* *lutipinnis*).
- 6 (5) Mammals:
- 7 (a) Allegheny woodrat (*Neotoma magister*);
- 8 (b) Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);
- 9 (c) Coleman's oldfield mouse (*Peromyscus polionotus colemani*);
- 10 (d) Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);
- 11 (e) Eastern small-footed bat (*Myotis leibii leibii*);
- 12 (f) Florida yellow bat (*Lasiurus intermedius floridanus*);
- 13 (g) Southeastern bat (*Myotis austroriparius*);
- 14 (h) Southern rock vole (*Microtus chrotorrhinus carolinensis*); and
- 15 (i) Star-nosed mole (*Condylura cristata parva*).
- 16 (6) Mollusks:
- 17 (a) Appalachian gloss (*Zonitoides patuloides*);
- 18 (b) Bidentate dome (*Ventridens coelaxis*);
- 19 (c) Black mantleslug (*Pallifera hemphilli*);
- 20 (d) Blackwater ancylid (*Ferrissia hendersoni*);
- 21 (e) Blue-foot lancetooth (*Haplotrema kendeighi*);
- 22 (f) Cape Fear spike (*Elliptio marsupiobesa*);
- 23 (g) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
- 24 (h) Dark glyph (*Glyphyalinia junaluskana*);
- 25 (i) Dwarf proud globe (*Patera clarki clarki*);
- 26 (j) Dwarf threetooth (*Triodopsis fulciden*);
- 27 (k) Fringed coil (*Helicodiscus fimbriatus*);
- 28 (l) Glossy supercoil (*Paravitrea placentula*);
- 29 (m) Great Smoky slitmouth (*Stenotrema depilatum*);
- 30 (n) High mountain supercoil (*Paravitrea andrewsae*);
- 31 (o) Honey glyph (*Glyphyalinia vanattai*);
- 32 (p) Lamellate supercoil (*Paravitrea lamellidens*);
- 33 (q) Mirey Ridge supercoil (*Paravitrea clappi*);
- 34 (r) Open supercoil (*Paravitrea umbilicaris*);
- 35 (s) Pink glyph (*Glyphyalinia pentadelphia*);
- 36 (t) Pink heelsplitter (*Potamilus alatus*);
- 37 ~~(+)~~(u) Pod lance (*Elliptio folliculata*);

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

History Note: Authority G.S. 113-134; 113-333;
Eff. September 1, 1989;
Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; July 18, 2002; April 1, 2001;
November 1, 1991; April 1, 1991; June 1, 1990;
Readopted Eff. October 1, 2021;
Amended Eff. October 1, 2024; February 1, 2023.