

Burgos, Alexander N

Subject: FW: Wildlife Resources RFC 10B .0203 and 10C .0316
Attachments: 15A NCAC 10C .0316 Tech.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, May 5, 2025 4:54 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Casola, William <william.casola@ncwildlife.gov>
Subject: FW: Wildlife Resources RFC 10B .0203 and 10C .0316

Good afternoon,

It is my intention to recommend approval of the above captioned rule 10C .0316 as revised and attached.

If you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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: Wildlife Resources RFC 10B .0203

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Monday, May 5, 2025 4:52 PM

To: Rules, Oah <oah.rules@oah.nc.gov>

Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Casola, William <william.casola@ncwildlife.gov>

Subject: FW: Wildlife Resources RFC 10B .0203

Good afternoon,

It is my intention to recommend approval of 15A NCAC 10B .0203 as filed with the RRC.

As always if you have any questions please feel free to contact me.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

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1711 New Hope Church Road

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(984) 236-1939

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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.

From: Casola, William <william.casola@ncwildlife.gov>

Sent: Tuesday, April 29, 2025 9:45 AM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>

Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>

Subject: Wildlife Resources RFC 10B .0203 and 10C .0316

Bill,

Attached, please find the technical changes document with responses and updated rule text for 10C .0316.

Please let me know if you have any questions.

Best,

Will

William Casola, PhD



Policy Development Analyst
Office of Conservation Policy & Analysis

51 Varsity Drive, Raleigh, NC 27606
Office: 919-707-0125

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, May 5, 2025 4:48 PM
To: Burgos, Alexander N
Subject: FW: Wildlife Resources RFC 10B .0203 and 10C .0316
Attachments: 15A NCAC 10C .0316 Tech.docx; 05.2025 - Wildlife Resources Commission Request for Technical Changes.docx

William W. Peaslee
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Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Casola, William <william.casola@ncwildlife.gov>
Sent: Tuesday, April 29, 2025 9:45 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>
Subject: Wildlife Resources RFC 10B .0203 and 10C .0316

Bill,

Attached, please find the technical changes document with responses and updated rule text for 10C .0316.

Please let me know if you have any questions.

Best,

Will



William Casola, PhD
Policy Development Analyst
Office of Conservation Policy & Analysis
51 Varsity Drive, Raleigh, NC 27606
Office: 919-707-0125

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

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0203

DEADLINE FOR RECEIPT: May 12, 2025

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:

Generally, to the Rule: As written the rule provides when wildlife “may” be taken. What statute or rule prohibits the taking of wildlife (deer) in the absence of regulatory permission?

G.S. 113-291.2 authorizes the WRC to set seasons. 15A NCAC 10B .0201 specifies that “no person shall take, or have in their possession, any wild animal or wild bird listed in this Section except during the open seasons ...”

Page 3, Lines 6 and Line 30 and Page 4, Line 15: Is the State regulating the use of dogs in this statute or regulating the Commission’s authority?

Both. Most of G.S. 113-291.5, regulates the WRC’s authority to restrict the use of dogs. However, it also regulates running dogs during the closed deer season.

Page 3, Lines 13, 20, 24, 30, and 33, and Page 4, Line 1: “Blackpowder” does not appear to be a word notwithstanding its definition in the rule. Ought it not be “black powder”?

This rule has been around a while. We believe that historically, it was one word, but it appears that now, it’s more common as two. However, our constituents know and understand “blackpowder”. It’s even written in our regulations digest that way. We would prefer to keep it as one word at this time.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: April 26, 2025

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

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0316

DEADLINE FOR RECEIPT: May 12, 2025

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:

Page 1, Line 9: Change "may" to "shall."

We changed "may" to "shall"

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

1 15A NCAC 10C .0316 is amended as published in 39:14 NCR 916-917 as follows:

2
3 **15A NCAC 10C .0316 MOUNTAIN TROUT**

4 (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit
5 for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated
6 in Paragraph (g) of this Rule.

7 (b) The daily creel limit for trout in Wild Trout Waters is four fish. The minimum size limit for these fish is seven
8 inches. There is no closed season.

9 (c) No trout ~~may~~ shall be harvested from Catch and Release/Artificial Flies and Lures Only Trout Waters. Trout shall
10 not be possessed while fishing these waters.

11 (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for
12 these fish. The Youth-only Delayed Harvest Trout Water Season is from 6:00 a.m. on the first Saturday in June until
13 12 p.m. that same day. During this season individuals under ~~the~~ 16 years of age ~~of 18~~ may fish. From 12:00 p.m. on
14 the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for anglers. From
15 October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or
16 possessed while fishing these waters. Delayed Harvest Trout Waters are closed to fishing from one-half hour after
17 sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

18 (e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:

19 (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum
20 size limit, but only one may be greater than 14 inches. There is no closed season.

21 (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the
22 daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

23 (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these
24 fish.

25 (g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the
26 impounded waters of the following power reservoirs and municipally-owned water supply reservoirs open to the
27 public for fishing.

28 (1) Bear Creek Lake;

29 (2) Buckeye Creek Reservoir;

30 (3) Calderwood Reservoir;

31 (4) Cedar Cliff Lake;

32 (5) Cheoah Reservoir;

33 (6) Cliffside Lake;

34 (7) Tanassee Creek Lake;

35 (8) Queens Creek Lake; and

36 (9) Wolf Lake.

37 (h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing

season.

(i) Trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

History Note: Authority G.S. 113-134; 113-292;

Eff. November 1, 2013;

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;

Readopted Eff. August 1, 2019;

Amended Eff. June 1, 2025; August 1, 2024; August 1, 2021; August 1, 2020.

Burgos, Alexander N

From: Peaslee, William W
Sent: Saturday, April 26, 2025 2:22 PM
To: Rules, Oah
Cc: Burgos, Alexander N; Ruhlman, Carrie A
Subject: 15A NCAC 10D .0102

Good afternoon,

It is my present intention to recommend approval of the above captioned rule as filed for RRC review at the May RRC meeting.

If you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Saturday, April 26, 2025 2:20 PM
To: Ruhlman, Carrie A
Cc: Burgos, Alexander N
Subject: Wildlife Resources RFC 10B .0203 and 10C .0316
Attachments: 05.2025 - Wildlife Resources Commission Request for Technical Changes - 10B .0203.docx

Good afternoon Carrie,

Attached please find the request for changes for the above captioned rules.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, April 25, 2025 10:07 AM
To: Rules, Oah
Cc: Burgos, Alexander N; Ruhlman, Carrie A
Subject: WRC rules 10F .347 and .0363

Good morning,

It is my intention to recommend approval of the above captioned rules as filed with the RRC at the May 2025 meeting.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
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Bill.Peaslee@oah.nc.gov

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