

Burgos, Alexander N

Subject: FW: WRC - 15A NCAC 10B, H, & J - Requests for Changes

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>

Sent: Friday, April 14, 2023 2:51 PM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Actually, "Wildlife Control Agent" and "WCA" are defined in 10H .1501 so I don't think I need to spell it out anywhere. It was inconsistent throughout. So, I just changed them all to "WCA".

Will re-submit. Thank you!

Carrie Ruhlman

N.C. Wildlife Resources Commission

Office of Conservation Policy & Analysis

1751 Varsity Drive

Raleigh, North Carolina 27606

Office: 919-707-0011

Mobile: 919-606-2241

ncwildlife.org



From: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Sent: Friday, April 14, 2023 2:40 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: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Carrie,

These are good to go. I only had one minor issue with 10H .1506. On line 6, Subparagraph (a)(1), "Wildlife Control Agent" is capitalized, but it is not on line 13, Paragraph (c). It would be better to simply add "(WCA)" after the capitalized version on line 6 and remove the changed language on line 13, leaving it as merely "(WCA)".

Once you've made this change, can you send the full set to oah.rules@oah.nc.gov?

Thank you for getting all of these changes made.

Lawrence Duke

Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Wednesday, April 12, 2023 5:11 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Lawrence,

Responses and revised rules are attached. Please let me know if you have questions/concerns or if I missed anything.

Carrie Ruhlman

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Burgos, Alexander N

Subject: FW: WRC - 15A NCAC 10B, H, & J - Requests for Changes
Attachments: 15A NCAC 10B .0203-Tech.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Wednesday, April 12, 2023 5:16 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Please replace Rule 10B .0203 with the attached.

Carrie Ruhlman

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1751 Varsity Drive
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Office: 919-707-0011
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1 15A NCAC 10B .0203 is amended with changes as published in 37.11 NCAC 794 as follows:

2
3 **15A NCAC 10B .0203 WHITE-TAILED DEER (WHITE-TAILED)**

4 (a) Open All Lawful Weapons Seasons (All Lawful Weapons) for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
7 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
8 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the
9 following seasons: seasons, including on game lands unless otherwise specified in the Rules of
10 Subchapter 10D .0200.

11 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
12 Carteret, Columbus*, Columbus, Cumberland, Craven, Dare, Duplin, Harnett, Hoke,
13 Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond,
14 Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful *Unlawful
15 to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline. shoreline in
16 Columbus County.

17 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
18 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
19 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
20 Wilson counties.

21 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
22 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
23 Surry, Watauga, Wilkes, and Yadkin counties.

24 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
25 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
26 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
27 counties.

28 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
29 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
30 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
31 counties.

32 (F) Saturday on or nearest September 10 through January 1 in those the parts of Camden,
33 Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in
34 those the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes
35 National Wildlife Refuge; in that the part of Hyde county known as Lake Mattamuskeet
36 National Wildlife Refuge; in those the parts of Dare and Hyde counties known as Alligator
37 River National Wildlife Refuge; in those the parts of Anson and Richmond counties known

1 as the Pee Dee National Wildlife Refuge; and in ~~that~~ the part of Currituck County known
2 as the Mackay Island National Wildlife Refuge.

3 (2) Antlered or Antlerless Deer, Deer of Either Sex. Except on Game Lands, antlered or antlerless deer
4 ~~of either sex~~ may be taken during the open seasons and in the counties and portions of counties listed
5 in Parts ~~(A), (B), (C), (D), (E), (F), and (A) through (H) (G)~~ of this Subparagraph (Refer to 15A
6 NCAC 10D .0103 for either sex deer seasons on Game Lands), Subparagraph. Antlered or antlerless
7 deer ~~Deer of either sex~~ may be taken the fourth Saturday in September in all counties by persons
8 under the age of 18, during the open season identified in Part (H) of this Subparagraph.

9 (A) The open ~~either sex~~ antlered or antlerless deer hunting dates established by the U.S. Fish
10 and Wildlife Service ~~during the period~~ from the Saturday on or nearest September 10
11 through January 1 in ~~those~~ the parts of Camden, Gates, and Pasquotank counties known as
12 the Dismal Swamp National Wildlife Refuge; in ~~those~~ the parts of Hyde, Tyrrell, and
13 Washington counties known as the Pocosin Lakes National Wildlife Refuge; in ~~those~~ the
14 parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge;
15 and in ~~those~~ the parts of Currituck County known as the Currituck National Wildlife
16 Refuge and the Mackay Island National Wildlife Refuge.

17 (B) The open ~~either sex~~ antlered or antlerless deer hunting dates established by the appropriate
18 military commands at ~~each of~~ the military installations listed in this Paragraph, during the
19 period from Saturday on or nearest October 15 through January 1 in ~~that~~ the part of
20 Brunswick County known as the Sunny Point Military Ocean Terminal, in ~~that~~ the part of
21 Craven County known and marked as Cherry Point Marine Base, in ~~that~~ the part of Onslow
22 County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military
23 Reservation, and on Camp Mackall Military Reservation.

24 (C) Youth ~~either sex~~ deer hunts. First Saturday in October for youth antlered or antlerless
25 ~~either sex~~ deer hunting by permit only on a portion of Belews Creek Steam Station in
26 Stokes County designated by agents of the Commission; the third Saturday in October for
27 youth antlered or antlerless ~~either sex~~ deer hunting by permit only on Mountain Island State
28 Forest in Lincoln and Gaston counties; and the second Saturday in November for youth
29 antlered or antlerless ~~either sex~~ deer hunting by permit only on apportion a portion of
30 Warrior Creek located on W. Kerr Scott Reservoir, Reservoir in Wilkes County designated
31 by agents of the Commission. A youth is defined as a person under 18 years of age.

32 (D) The first open Saturday of the Deer ~~with~~ With Visible Antlers season described in
33 Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison,
34 Haywood and Transylvania ~~counties.~~ counties; and in Buncombe and Henderson counties,
35 except for the areas described in Parts (a)(2)(H)(i) and (ii) of this Rule. *Except for that
36 part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and
37 north of NC 280

1 (E) The first open day of the Deer With Visible Antlers season described in Subparagraph
2 (a)(1) of this Rule through the first Saturday thereafter in ~~all of Avery, Burke, Caldwell,~~
3 ~~Madison and McDowell~~ McDowell, Mitchell, and Yancey counties.

4 (F) The first open day of the season for Deer ~~with~~ With Visible Antlers season described in
5 Subparagraph (a)(1) of this Rule through the second ~~Friday~~ Saturday thereafter in ~~all of~~
6 ~~Cleveland, Polk, and Rutherford~~ Avery, Burke, Caldwell, [Madison,] Mitchell, and
7 [Yancey] Yancey counties.

8 (G) The first open day of the season for Deer With Visible Antlers[season] described in
9 Subparagraph (a)(1) of this Rule through the fourth [Friday] Saturday thereafter in ~~[all of]~~
10 Cleveland, Polk, and Rutherford counties.

11 ~~(G)~~(H) All the open Open days of the season for Deer With Visible Antlers season described in
12 Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander,
13 Catawba, Lincoln, and Gaston counties and in the following parts of counties:

14 (i) Buncombe: That The part of Buncombe County east of NC 191, south of the
15 French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and

16 (ii) Henderson: That The part of Henderson County east of NC 191 and north and
17 west of NC 280.

18 ~~(H)~~(I) The fourth Saturday in September in all counties, subject to the following restriction: only
19 persons under the age of 18 years may hunt.

20 (b) Open Archery Seasons ~~(Archery)~~ for hunting deer:

21 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
22 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
23 following seasons:

24 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
25 day of the Blackpowder Firearms Season and Archery Seasons described in Subparagraph
26 (c)(1) of this Rule; and the Sunday immediately following the closing of blackpowder
27 firearms and archery season Blackpowder Firearms Season identified in Part (c)(1)(B) of
28 this Rule to the Sunday before Thanksgiving in the counties and parts of counties having
29 the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule
30 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
31 Mountains Game Lands. Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on
32 these Game Lands).

33 (B) Sunday immediately following the closing of the open season for Deer With Visible
34 Antlers through January 1 in the counties and parts of counties having the open season for
35 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

36 (2) Restrictions

- 1 (A) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
2 of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the
3 ~~archery season,~~ Archery Season, except a single dog on a leash may be used to retrieve a
4 dead or wounded deer in accordance with G.S. 113-291.1(k).
- 5 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
6 may be used during the ~~archery deer hunting season,~~ Archery Season.
- 7 (C) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during ~~archery seasons~~ Archery
8 Season specified by Part (b)(1)(A) of this Rule.
- 9 (D) ~~Only deer with antlers or spikes protruding through the skin, as distinguished from knobs~~
10 ~~or buttons covered by skin or velvet,~~ deer with visible antlers shall be taken during the
11 ~~archery season~~ Archery Season specified by Part (b)(1)(B) of this Rule.
- 12 (c) Open Blackpowder Firearms Seasons ~~(Blackpowder Firearms and Archery)~~ for hunting deer:
- 13 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
14 taken only with blackpowder firearms and archery equipment during the following seasons:
- 15 (A) Two Saturdays preceding the first day of the open season for Deer with Visible Antlers
16 ~~seasons~~ described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second
17 Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills,
18 and South Mountains Game Lands. ~~Lands (Refer to 15A NCAC 10D .0103 for~~
19 ~~Blackpowder Firearms and Archery seasons on these Game Lands):~~
- 20 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
21 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
22 (a)(1)(D) of this Rule.
- 23 (2) Restrictions
- 24 (A) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during ~~blackpowder firearms~~
25 ~~and archery season~~ Blackpowder Firearms Season in any county or county part set forth
26 in Part (a)(2)(E), (F), ~~or (G)~~ (G), or (H) of this Rule that has ~~either sex~~ one or more open
27 days within the all lawful weapons season to legally harvest antlerless deer. days for all
28 lawful weapons.
- 29 (B) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during the first open day of
30 the ~~blackpowder firearms and archery season~~ Blackpowder Firearms Season thru the first
31 Saturday thereafter in any county or county part set forth in Part (a)(2)(D) of this Rule
- 32 (C) ~~Antlered or antlerless deer Deer of either sex~~ may be taken on the first open Saturday of
33 the ~~blackpowder firearms and archery season~~ Blackpowder Firearms Season in any
34 county or county part not set forth in Subparagraph (a)(2) of this Rule.
- 35 (D) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
36 of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the
37 ~~blackpowder firearms and archery seasons,~~ Blackpowder Firearms Season, except a

1 single dog on a leash may be used to retrieve a dead or wounded deer in accordance with
2 G.S. 113-291.1(k).

- 3 (3) As used in this Rule, "blackpowder firearms" means ~~Any firearm—~~ any firearm, including any
4 firearm with a matchlock, flintlock, percussion cap, or similar type of ignition ~~system—~~ system,
5 manufactured ~~in or before 1898, before 1899,~~ that cannot use fixed ammunition; any replica of this
6 type of firearm if ~~such the~~ replica is not designed or redesigned for using rimfire or conventional
7 centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-
8 loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute,
9 or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed
10 ammunition.

11 (d) Open Urban Season (~~Urban Season~~) for hunting deer:

- 12 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
13 limits set out in Paragraph (e) of this Rule, antlered or antlerless deer ~~of either sex~~ may be taken
14 with ~~bow and arrow~~ archery equipment in participating cities in the State, as defined in G.S. 160A-
15 1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall
16 not be taken on ~~any game land or part thereof that occurs~~ lands within a city boundary.

- 17 (2) Participation. Cities that intend to participate in the ~~urban season~~ Urban Season shall send a letter
18 to that effect no later than April 1 of the year prior to the start of the ~~urban season~~ Urban Season to
19 the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700.
20 Cities shall also submit a map of the city's boundaries within which the ~~urban season~~ Urban Season
21 shall apply.

22 (3) Restrictions:

- 23 (A) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
24 of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the
25 ~~urban season,~~ Urban Season except a single dog on a leash may be used to retrieve a dead
26 or wounded deer in accordance with G.S. 113-291.1(k).

- 27 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
28 shall be used during the ~~urban season,~~ Urban Season.

29 (e) Bag limits. The possession and season limit is six deer, two ~~of which that~~ may be deer with visible antlers and
30 four ~~of which that~~ may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or
31 velvet as distinguished from spikes protruding through the skin. ~~In addition to the bag limits described above, a~~ A
32 hunter may obtain multiple ~~bonus antlerless deer harvest report cards~~ Bonus Antlerless Deer Harvest Report Cards
33 from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional
34 antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the
35 boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported
36 on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

1 (f) Deer Management Assistance Program. The bag limits described above in Paragraph (e) of this Rule do not apply
2 to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-
3 291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP
4 license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer
5 harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as
6 instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided
7 with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and
8 not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the
9 restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus
10 antlerless harvest report card.

11
12 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*
13 *Eff. February 1, 1976;*
14 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
15 *1994; July 1, 1993;*
16 *Temporary Amendment Eff. July 1, 1999;*
17 *Amended Eff. July 1, 2000;*
18 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
19 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
20 *Temporary Amendment Eff. June 1, 2003;*
21 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
22 *2003);*
23 *Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;*
24 *August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;*
25 *June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;*
26 *Readopted Eff. August 1, 2022;*
27 *Amended Eff. August 1, 2023.*

Burgos, Alexander N

From: Ruhlman, Carrie A
Sent: Wednesday, April 12, 2023 5:11 PM
To: Duke, Lawrence; Bonner, Melva G
Cc: Burgos, Alexander N
Subject: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes
Attachments: 15A NCAC 10J .0102-Tech.docx; 15A NCAC 10B .0306-Tech.docx; 15A NCAC 10B .0301-Tech.docx; 15A NCAC 10B .0203-Tech.docx; WRC - 04.2023 - 15A NCAC 10B H J - Change Request-WRC Responses.docx; 15A NCAC 10H .1506-Tech.docx; 15A NCAC 10B .0303-Tech.docx; 15A NCAC 10B .0227-Tech.docx; 15A NCAC 10B .0127-Tech.docx; 15A NCAC 10J .0101-Tech.docx

Lawrence,

Responses and revised rules are attached. Please let me know if you have questions/concerns or if I missed anything.

Carrie Ruhlman

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
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Raleigh, North Carolina 27606
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Sent: Tuesday, April 4, 2023 1:13 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: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Carrie,

Please see attached requests for changes to the rules submitted for RRC review at the April 2023 meeting. If you can, please have responses in by close of business on Wednesday, April 12. If you have any questions, please let me know.

Thanks,

Lawrence Duke



Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
Lawrence.Duke@cah.nc.gov
(984) 236-1938

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

*Some of the submitted rules have an effective date of July 1, 2023, and some have August 1, 2023. If approved at the April 2023 RRC meeting, these rules could become effective on May 1, 2023. Are these delayed effective dates correct? **Yes. The rules that are amended as part of our annual rulemaking cycle, typically changes that apply to the upcoming hunting, trapping or fishing seasons, have an August 1 effective date that corresponds to the release of our annual regulations digest. The June 1 effective date is needed because of the specific changes in that rule that will allow individuals to continue trapping through June this year.***

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0127

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

*“Any”, “each”, “every”, “all”, and “some” should not be used if “a”, “an”, or “the” can be used with the same meaning or if the word can be omitted. Paragraph (f) has “all” and Paragraph (g) has four uses of “any” and one “all”. **Fixed***

*Please add an oxford comma after “weasel” on line 23. **Done***

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0203

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

Would removing the parenthesis in each Paragraph change the meaning? Why not simply call it what it is known as colloquially: "Archery Season", "Blackpowder Firearm Season", etc. Also, remove the parenthesis elsewhere, such as on lines 7 and 8, page 1; lines 3 and 4, page 2; line 12 and 13, page 4. There are more to be removed. Done

"Any", "each", "every", "all", and "some" 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 4, 6, 10, 15, 19, 22, 26; page 2, lines 15, 30, 35; page 3, lines 2, 6, 13; page 4, lines 19, 20, 22, 27, 29, 30; page 5, lines 1, 17, 24, 27, 28. Done

Parts (a)(1)(A) and (B) both start on the Saturday on or nearest October 15 and go through January 1. Could these be combined? No, these represent two different deer season zones, at present they have the same season, but they should be kept separate in rule for when we might change the seasons.

Can Part (a)(1)(A) be written without the "" ? Could it not be stated "It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.?" Similarly, can Part (a)(2)(D) be inchanged? Done*

Define or delete "appropriate" and "each of" in Part (a)(2)(D). Deleted

Is "apportion" the correct word on line 26, page 2? No. Also, on line 27, should the comma be deleted and replaced with "and"? Changed to "in" for clarity.

In Parts (a)(2)(H) and (I), colons within sentences should be avoided. Can these be changed to remove the colons? Done

Words like "thereafter", page 2, line 35; page 3, lines 2, 6; page 4, lines 10, 14; page 5, line 1 should be avoided. There has been much internal debate over the best way to ensure the season dates are clear and correct. We would prefer not to change this. Also, change "is authorized to regulate" to "regulates" on page 3, line 31; page 4, line 23; and page 5, line 8. Done

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

Commas should be used instead of dashes. See Subparagraph (c)(3). Done

“Such” and “these” should be avoided. See page 4, line 29; page 5, line 25. Fixed.

Throughout this Rule, the names of the different seasons are capitalized. They are not capitalized in Parts (c)(2)(A) and (B). Is this purposeful or an oversight? It's inconsistent throughout. Fixed everywhere.

Phrases like “in or before” on page 4, line 28, are to be avoided. Using “before 1899” is clearer. Fixed.

On page 5, lines 1 and 2, the sentence “Deer shall not be taken on any game land or part thereof that occurs within a city boundary.” would be clearer if it stated, “Deer shall not be taken on game lands that are within city boundaries.” Yes.

Paragraph (e) states twice “bag limits described above”. State where bag limits are described or delete this phrase. Because the bag limits seem to appear in that Paragraph, the phrase seems unnecessary. Deleted.

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0227

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

Remove the parenthesis in Paragraphs (a) and (e) after "landowners". Done

In Paragraph (b), would it not be clearer to simply state, "Wild Quail Management Areas shall be:" "(1) 500 acres or more contiguous land; and..."? That wouldn't work for (b)(2).

Rules should be written in the active voice. For instance, Paragraph (e) would state, "The Commission and landowners shall sign an agreement that contains:". Or, Subparagraph (f)(1) would state, "A representative of the Commission shall inspect potential properties...". Done.

"Any", "each", "every", "all", and "some" 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 7, 11, 20, 26, 29, and 35. Fixed.

Can the last sentence in Paragraph (c) be clarified? Can "human uses" be better defined? Phrases like "such as" should be avoided. Changed to "including but not limited to".

Subparagraph (e)(5) is vague, ambiguous, and overly broad. Can this requirement be more clearly delineated? It would depend on the specific WQMA so can't be specifically defined here.

The phrase "at least" should be avoided. In Subparagraph (f)(2), instead of "at least once every five years", is it clearer to simply state, "every five years"? It's a minimum of. Changed. The same applies to Parts (g)(3)(A) and (B). In (B), use "per" instead of "each". Done.

"The phrase "for the purpose of" should be avoided. In Part (e)(3)(E) and Subparagraph (e)(5), simply state "attract birds to hunt" or "trapping ... for nest predator control". Done.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0301

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

*“Any”, “each”, “every”, “all”, and “some” 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 5, 7, 10, 14, 21, and 22. **Fixed.***

*Would Item (1) be clearer if it stated, in part, “...are devices designed so that the animal...”. **Changed.***

*In Item (7), could “some type of” be replaced with “a”? **Yes***

*Remove parenthesis in Item (10). **Done.***

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0303

DEADLINE FOR RECEIPT: Wednesday, April 12, 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)(2), is there a clearer way of stating “at any time”? **Yes, re-worded.***

*In Subparagraph (b)(1), would “pursuant to” be clearer than “under the provisions specified in”? **Changed to “under the provisions of”.***

*What is “the permit” referenced in Subparagraph (b)(1)? **The feral swine trapping permit.** Does this need criteria, procedures, methods, etc. similar to bear permits or game land permits? **Added.***

*Subparagraph (b)(2) is unclear. Words like “such” and “all” are to be avoided. “Shall” is better to use than “can”. **Fixed.***

*In Subparagraph (b)(3), “any” should be avoided. **Changed.***

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0306

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

*It is best to avoid using words or phrases such as “every” (lines 4, 5, 15), “any” (lines 4 and 5), “therein” (line 4), “at least” (lines 15 and 25), and “each” (line 19). **Fixed.***

*Should “conibear” in Paragraph (a) be capitalized and end with an “®”? **Fixed.***

*Is “upon request” necessary in Paragraph (f)? **We’d like to keep it consistent with other rules.***

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

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1506

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

If WCA is to be used throughout this Rule, please add "(WCA)" after the first instance of "Wildlife Control Agent" (line 6). Also, because "ACA" has been defined, "alligator control agent" should not be used subsequent to the definition, such as in Paragraph (b). Fixed.

In Subparagraph (a)(2), "by means of a Commission-issued depredation permit" is unclear. Phrases like "by means of" should be avoided. Fixed. How does an agent get one of these permits? The WCAs get depredation permits after they take the WCA class and pass the test. WCAs can issue depredation permits for most species themselves as agents of the Commission, but for Alligators they must obtain a Commission issued permit. They know and understand this – it's presented in the class to become a WCA and the class to become an ACA. In what rule is this found? Depredation permits are in G.S. 113-274 and in rules 10B .0106 and 10H .1502.

In Subparagraph (b)(3), what does "demonstration to the Commission of necessary equipment" mean? We need to see that you have the right equipment. How is this done? Inspection during the application process. See revised language. Define or delete "necessary" Deleted.

Words and phrases such as "at least" (line 24) and "all" (line 28) should be avoided. Fixed.

In Paragraph (h), "facilitates" does not appear to be the correct word. Good catch! What was meant? Facilities

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10J .0101

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

“Any”, “each”, “every”, “all”, and “some” 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 9, 13, 19, 21, and 22. Fixed.

On line 15, Paragraph (b), “areas on” seems unnecessary or incorrect. Should it be deleted? See re-write of (1) and (2).

“Upon” or “such” should be avoided. Subparagraph (b)(2) has those words, as well as “can” which should be changed to “shall”. Perhaps it would be clearer if it stated:

~~Portions of Wildlife Conservation Areas posted as "Restricted Zones" are closed to all use by the public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from the Wildlife Resources Commission. The Commission shall authorize entry~~ Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone shall not be compromised, a valid need shall be demonstrated by ~~and the person or persons requesting entry, are able to demonstrate a valid need or such person is official business of the Commission is being conducted by~~ a contractor or agent of the Commission ~~conducting official business~~. Valid needs may include access to private property, scientific investigations, surveys, or other activities in the public interest.

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10J .0102

DEADLINE FOR RECEIPT: Wednesday, April 12, 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:

“Any”, “each”, “every”, “all”, and “some” 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 11, 13, 16, 17, 18, 19, 20, and 21; and page 2, lines 4, 8, 11, and 13. Fixed.

In Paragraph (a), an oxford comma should be added after “trapping”. Done. Also, it should be added in Paragraph (c) after “county”. Done.

Is “of each year” necessary in Paragraph (b)? No.

Why is Paragraph (e) necessary? It’s probably not – removing it doesn’t make it any less illegal to hunt, trap or fish without a license. Deleted.

Is “the applicable” necessary on page 2, line 9? Would like to keep it.

Would it be clearer to state “or on waters within its boundaries” instead of “on their waters” in Paragraph (h)? Yes. Fixed.

Does Subparagraph (h)(5) exempt permit holders from the entire Rule or only a certain part? This should be clarified. Just (h)(5). Fixed.

Would “or” be the better conjunction, instead of “and” on page 3, line 1? Yes. Also, The comma after “animal parts” on page 3, line 11, seems unnecessary. Ok.

Are there better words/phrases to use instead of “sufficient” or “for the duration” in the final sentence of Paragraph (j)? This sentence is incredibly vague and ambiguous. How could this be enforced? Fixed.

The statutes listed in “History Note: Authority” should be in numerical order. Fixed. Also, I was unaware the WRC was promulgating rules before the year 200. Perhaps this rule was not amended in 200 and this is an error. Typo fixed.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: April 4, 2023

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

Lawrence R. Duke
Commission Counsel
Date submitted to agency: April 4, 2023

1 15A NCAC 10B .0127 is amended with changes as published in 37:11 NCR 793 as follows:

2
3 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

4 (a) Deer killed accidentally on a road by reason of collision with a motor vehicle may be possessed and transported
5 if authorization is obtained from the law enforcement officer who investigates the accident. Possession and transport
6 of the deer carcass for personal and lawful use, including delivery of the carcass to a second person for his or her
7 private use or use by a charitable organization shall be authorized.

8 (b) Commission employees may authorize possession and transport of deer and turkey killed accidentally or found dead.

9 (c) The following shall not be possessed or transported if killed accidentally or found dead unless written authorization
10 is obtained from the Commission:

11 (1) black bears; and

12 (2) elk.

13 ~~(c) Black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is~~
14 ~~obtained from the Commission.~~

15 (d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105
16 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from
17 the Commission.

18 (e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal
19 permits obtained from the U.S. Fish and Wildlife Service.

20 (f) All other Other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

21 (g) The sale of any wildlife resources or wildlife parts from any an animal killed accidentally or found dead is
22 prohibited, except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver,
23 coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel weasel, or bobcat to a licensed fur
24 dealer if the dead furbearing animal was found during the open season for that species. Licensed trappers and hunters
25 may also sell the carcasses, parts, or pelt of any a fox to a licensed fur dealer if the dead fox was found during an open
26 fox season and the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. All The
27 tagging requirements set forth in 15A NCAC 10B .0400 apply.

28
29 *History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4; 113-331; 113-333; 113-337;*

30 *Eff. January 1, 2013;*

31 *Readopted Eff. October 1, 2022;*

32 *Amended Eff. August 1, 2023.*

1 15A NCAC 10B .0203 is amended with changes as published in 37.11 NCAC 794 as follows:

2
3 **15A NCAC 10B .0203 WHITE-TAILED DEER (WHITE-TAILED)**

4 (a) Open All Lawful Weapons Seasons ~~(All Lawful Weapons)~~ for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
7 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
8 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the
9 following ~~seasons:~~ seasons, including on game lands unless otherwise specified in 10D .0200 Rules.

10 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
11 Carteret, Columbus*, Columbus, Cumberland, Craven, Dare, Duplin, Harnett, Hoke,
12 Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond,
13 Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful *Unlawful
14 to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline, shoreline in
15 Columbus County.

16 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
17 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
18 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
19 Wilson counties.

20 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
21 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
22 Surry, Watauga, Wilkes, and Yadkin counties.

23 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
24 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
25 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
26 counties.

27 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
28 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
29 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
30 counties.

31 (F) Saturday on or nearest September 10 through January 1 in those the parts of Camden,
32 Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in
33 those the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes
34 National Wildlife Refuge; in that the part of Hyde county known as Lake Mattamuskeet
35 National Wildlife Refuge; in those the parts of Dare and Hyde counties known as Alligator
36 River National Wildlife Refuge; in those the parts of Anson and Richmond counties known

1 as the Pee Dee National Wildlife Refuge; and in ~~that~~ the part of Currituck County known
2 as the Mackay Island National Wildlife Refuge.

3 (2) Antlered or Antlerless Deer. Deer of Either Sex. Except on Game Lands, antlered or antlerless deer
4 ~~of either sex~~ may be taken during the open seasons and in the counties and portions of counties listed
5 in Parts ~~(A), (B), (C), (D), (E), (F), and (A) through (H) (G)~~ of this Subparagraph (Refer to 15A
6 NCAC 10D .0103 for either sex deer seasons on Game Lands). Subparagraph. Antlered or antlerless
7 deer ~~Deer of either sex~~ may be taken the fourth Saturday in September in all counties by persons
8 under the age of 18, during the open season identified in Part (H) of this Subparagraph.

9 (A) The open ~~either sex~~ antlered or antlerless deer hunting dates established by the U.S. Fish
10 and Wildlife Service ~~during the period~~ from the Saturday on or nearest September 10
11 through January 1 in ~~those~~ the parts of Camden, Gates, and Pasquotank counties known as
12 the Dismal Swamp National Wildlife Refuge; in ~~those~~ the parts of Hyde, Tyrrell, and
13 Washington counties known as the Pocosin Lakes National Wildlife Refuge; in ~~those~~ the
14 parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge;
15 and in ~~those~~ the parts of Currituck County known as the Currituck National Wildlife
16 Refuge and the Mackay Island National Wildlife Refuge.

17 (B) The open ~~either sex~~ antlered or antlerless deer hunting dates established by the appropriate
18 military commands at ~~each of~~ the military installations listed in this Paragraph, during the
19 period from Saturday on or nearest October 15 through January 1 in ~~that~~ the part of
20 Brunswick County known as the Sunny Point Military Ocean Terminal, in ~~that~~ the part of
21 Craven County known and marked as Cherry Point Marine Base, in ~~that~~ the part of Onslow
22 County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military
23 Reservation, and on Camp Mackall Military Reservation.

24 (C) Youth ~~either sex~~ deer hunts. First Saturday in October for youth antlered or antlerless
25 ~~either sex~~ deer hunting by permit only on a portion of Belews Creek Steam Station in
26 Stokes County designated by agents of the Commission; the third Saturday in October for
27 youth antlered or antlerless ~~either sex~~ deer hunting by permit only on Mountain Island State
28 Forest in Lincoln and Gaston counties; and the second Saturday in November for youth
29 antlered or antlerless ~~either sex~~ deer hunting by permit only on apportion a portion of
30 Warrior Creek located on W. Kerr Scott Reservoir, Reservoir in Wilkes County designated
31 by agents of the Commission. A youth is defined as a person under 18 years of age.

32 (D) The first open Saturday of the Deer ~~with~~ With Visible Antlers season described in
33 Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison,
34 Haywood and Transylvania ~~counties.~~ counties; and in Buncombe and Henderson counties,
35 except for the areas described in Parts (a)(2)(H)(i) and (ii) of this Rule. *Except for that
36 part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and
37 north of NC 280

1 (E) The first open day of the Deer With Visible Antlers season described in Subparagraph
2 (a)(1) of this Rule through the first Saturday thereafter in ~~all of Avery, Burke, Caldwell,~~
3 ~~Madison and McDowell~~ McDowell, Mitchell, and Yancey counties.

4 (F) The first open day of the season for Deer ~~with~~ With Visible Antlers season described in
5 Subparagraph (a)(1) of this Rule through the second ~~Friday~~ Saturday thereafter in ~~all of~~
6 ~~Cleveland, Polk, and Rutherford~~ Avery, Burke, Caldwell, [Madison,] Mitchell, and
7 [Yancey] Yancey counties.

8 (G) The first open day of the season for Deer With Visible Antlers[season] described in
9 Subparagraph (a)(1) of this Rule through the fourth [Friday] Saturday thereafter in ~~[all of]~~
10 Cleveland, Polk, and Rutherford counties.

11 ~~(G)~~(H) All the open Open days of the season for Deer With Visible Antlers season described in
12 Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander,
13 Catawba, Lincoln, and Gaston counties and in the following parts of counties:

14 (i) Buncombe: That The part of Buncombe County east of NC 191, south of the
15 French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and

16 (ii) Henderson: That The part of Henderson County east of NC 191 and north and
17 west of NC 280.

18 ~~(H)~~(I) The fourth Saturday in September in all counties, subject to the following restriction: only
19 persons under the age of 18 years may hunt.

20 (b) Open Archery Seasons ~~(Archery)~~ for hunting deer:

21 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
22 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
23 following seasons:

24 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
25 day of the Blackpowder Firearms Season and Archery Seasons described in Subparagraph
26 (c)(1) of this Rule; and the Sunday immediately following the closing of blackpowder
27 firearms and archery season Blackpowder Firearms Season identified in Part (c)(1)(B) of
28 this Rule to the Sunday before Thanksgiving in the counties and parts of counties having
29 the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule
30 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
31 Mountains Game Lands. Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on
32 these Game Lands).

33 (B) Sunday immediately following the closing of the open season for Deer With Visible
34 Antlers through January 1 in the counties and parts of counties having the open season for
35 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

36 (2) Restrictions

- 1 (A) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
2 of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the
3 ~~archery season,~~ Archery Season, except a single dog on a leash may be used to retrieve a
4 dead or wounded deer in accordance with G.S. 113-291.1(k).
- 5 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
6 may be used during the ~~archery deer hunting season,~~ Archery Season.
- 7 (C) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during ~~archery seasons~~ Archery
8 Season specified by Part (b)(1)(A) of this Rule.
- 9 (D) ~~Only deer with antlers or spikes protruding through the skin, as distinguished from knobs~~
10 ~~or buttons covered by skin or velvet,~~ deer with visible antlers shall be taken during the
11 ~~archery season~~ Archery Season specified by Part (b)(1)(B) of this Rule.
- 12 (c) Open Blackpowder Firearms Seasons ~~(Blackpowder Firearms and Archery)~~ for hunting deer:
- 13 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
14 taken only with blackpowder firearms and archery equipment during the following seasons:
- 15 (A) Two Saturdays preceding the first day of the open season for Deer with Visible Antlers
16 ~~seasons~~ described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second
17 Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills,
18 and South Mountains Game Lands. ~~Lands (Refer to 15A NCAC 10D .0103 for~~
19 ~~Blackpowder Firearms and Archery seasons on these Game Lands):~~
- 20 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
21 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
22 (a)(1)(D) of this Rule.
- 23 (2) Restrictions
- 24 (A) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during ~~blackpowder firearms~~
25 ~~and archery season~~ Blackpowder Firearms Season in any county or county part set forth
26 in Part (a)(2)(E), (F), ~~or (G)~~ (G), or (H) of this Rule that has ~~either sex~~ one or more open
27 days within the all lawful weapons season to legally harvest antlerless deer. days for all
28 lawful weapons.
- 29 (B) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during the first open day of
30 the ~~blackpowder firearms and archery season~~ Blackpowder Firearms Season thru the first
31 Saturday thereafter in any county or county part set forth in Part (a)(2)(D) of this Rule
- 32 (C) ~~Antlered or antlerless deer Deer of either sex~~ may be taken on the first open Saturday of
33 the ~~blackpowder firearms and archery season~~ Blackpowder Firearms Season in any
34 county or county part not set forth in Subparagraph (a)(2) of this Rule.
- 35 (D) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
36 of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the
37 ~~blackpowder firearms and archery seasons,~~ Blackpowder Firearms Season, except a

1 single dog on a leash may be used to retrieve a dead or wounded deer in accordance with
2 G.S. 113-291.1(k).

- 3 (3) As used in this Rule, "blackpowder firearms" means ~~Any firearm—~~ any firearm, including any
4 firearm with a matchlock, flintlock, percussion cap, or similar type of ignition ~~system—~~ system,
5 manufactured ~~in or before 1898, before 1899,~~ that cannot use fixed ammunition; any replica of this
6 type of firearm if ~~such the~~ replica is not designed or redesigned for using rimfire or conventional
7 centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-
8 loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute,
9 or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed
10 ammunition.

11 (d) Open Urban Season (~~Urban Season~~) for hunting deer:

- 12 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
13 limits set out in Paragraph (e) of this Rule, antlered or antlerless deer of either sex may be taken
14 with ~~bow and arrow~~ archery equipment in participating cities in the State, as defined in G.S. 160A-
15 1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall
16 not be taken on ~~any game land or part thereof that occurs~~ lands within a city boundary.

- 17 (2) Participation. Cities that intend to participate in the ~~urban season~~ Urban Season shall send a letter
18 to that effect no later than April 1 of the year prior to the start of the ~~urban season~~ Urban Season to
19 the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700.
20 Cities shall also submit a map of the city's boundaries within which the ~~urban season~~ Urban Season
21 shall apply.

- 22 (3) Restrictions:

- 23 (A) In the areas of the State where the Commission ~~is authorized to regulate~~ regulates the use
24 of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the
25 ~~urban season,~~ Urban Season except a single dog on a leash may be used to retrieve a dead
26 or wounded deer in accordance with G.S. 113-291.1(k).

- 27 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
28 shall be used during the ~~urban season,~~ Urban Season.

29 (e) Bag limits. The possession and season limit is six deer, two ~~of which that~~ may be deer with visible antlers and
30 four ~~of which that~~ may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or
31 velvet as distinguished from spikes protruding through the skin. ~~In addition to the bag limits described above, a~~ A
32 hunter may obtain multiple ~~bonus antlerless deer harvest report cards~~ Bonus Antlerless Deer Harvest Report Cards
33 from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional
34 antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the
35 boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported
36 on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

1 **(f) Deer Management Assistance Program.** The bag limits described **above in Paragraph (e) of this Rule** do not apply
2 to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-
3 291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP
4 license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer
5 harvested under this program, regardless of the date of harvest, shall be tagged with **these** DMAP tags and reported as
6 instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided
7 with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and
8 not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to **all** the
9 restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus
10 antlerless harvest report card.

11
12 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*
13 *Eff. February 1, 1976;*
14 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
15 *1994; July 1, 1993;*
16 *Temporary Amendment Eff. July 1, 1999;*
17 *Amended Eff. July 1, 2000;*
18 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
19 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
20 *Temporary Amendment Eff. June 1, 2003;*
21 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
22 *2003);*
23 *Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;*
24 *August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;*
25 *June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;*
26 *Readopted Eff. August 1, 2022;*
27 *Amended Eff. August 1, 2023.*

1 15A NCAC 10B .0227 is amended with changes as published in 37:11 NCR 797 as follows:

2
3 **15A NCAC 10B .0227 WILD QUAIL ~~MANGEMENT~~ MANAGEMENT AREAS**

4 (a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild
5 bobwhite quail conservation under signed agreement between the landowner(s) landowners and the Wildlife
6 Resources Commission.

7 (b) The following qualifications shall apply to all Wild Quail Management Areas:

- 8 (1) At least 500 acres of contiguous land; and
9 (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-
10 round bobwhite quail habitat.

11 (c) Wild bobwhite quail habitat shall be any early successional habitat dominated by herbaceous vegetation or shrub
12 cover consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with
13 scattered open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60
14 square feet per acre. Land managed and maintained primarily for human uses such as including but not limited to large
15 lawns, golf courses, sod-forming pastures, production agriculture fields, monoculture hayfields, solar energy, or
16 production timber stands shall not qualify as early successional habitat.

17 (d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described
18 on the Commission's website at www.ncwildlife.org.

19 (e) The signed Commission and landowners shall sign an agreement that contains: between the landowner(s) and the
20 Commission shall include:

- 21 (1) a list of all the owners of land included in the Wild Quail Management Area;
22 (2) county parcel identification information for each parcel to be included in the Wild Quail
23 Management Area;
24 (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round
25 bobwhite quail habitat identified;
26 (4) management practices to be used to maintain bobwhite quail habitat and populations; and
27 (5) any reporting requirements in addition to the minimum requirements in Subparagraph (g)(6) of this
28 Rule that are specific to the individual Wild Quail Management Area. Areas, if applicable.

29 (f) Property inspection:

- 30 (1) All a representative of the Commission shall inspect the potential properties shall be inspected by a
31 representative of the Commission prior to acceptance into the program to determine that the
32 proposed land and habitat will qualify to become a Wild Quail Management Area; and
33 (2) a representative of the Commission shall inspect Wild Quail Management Areas shall be inspected
34 by a representative of the Commission at least once every five years to determine that the
35 requirements of the signed agreement and this rule are being met.

36 (g) The following shall apply to all Wild Quail Management Areas:

- 37 (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.

- 1 (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A
2 NCAC 10B .0208.
- 3 (3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite
4 quail populations remain stable during droughts or other periods of stressful environmental
5 conditions. Supplemental feed shall:
- 6 (A) be broadcast into quail habitat along a minimum linear distance of **at least** one mile per 100
7 acres of habitat at a rate of three bushels per mile;
- 8 (B) be broadcast on a bi-weekly schedule during **at least a minimum of** five months **each per**
9 **year year:**
- 10 (C) be broadcast using a non-stationary spreader;
- 11 (D) be only natural grains or seed; and
- 12 (E) not be placed to attract birds **for the purpose of hunting; to hunt.**
- 13 (4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near
14 or with the aid of supplemental feed.
- 15 (5) ~~Outside of the trapping season established in 15A NCAC 10B .0303, trapping~~ Trapping for raccoon,
16 striped skunk, armadillo, and opossum on Wild Quail Management Areas for **the purpose of** nest
17 predator control shall only be allowed ~~from the end of the established trapping season in 15A NCAC~~
18 ~~10B .0303 through May 31. Enclosed~~ using enclosed foot-hold traps with a one-way trigger or cage
19 ~~traps may be used, and trapped traps. Trapped~~ raccoons, striped skunks, armadillos, and opossums
20 may be euthanized or released at the trap site.
- 21 (6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission
22 within 30 days of the end of the reporting period, and shall include the following:
- 23 (A) number of days and hours wild bobwhite quail were hunted;
- 24 (B) total annual harvest of wild bobwhite quail;
- 25 (C) total number of coveys flushed;
- 26 (D) supplemental feeding activities;
- 27 (E) number of trap nights, number of animals trapped and their disposition or release, by
28 species, for trapping activity conducted during trapping seasons established by 15A NCAC
29 10B .0303; and
- 30 (F) number of trap nights, number of animals trapped and their disposition or release, by
31 species, for trapping activity conducted outside of trapping seasons established by 15A
32 NCAC 10B .0303.

33
34 *History Note: Authority G.S. 113-134; 113- 291.1;*
35 *Eff. August 1, 2021;*
36 *Amended Eff. June 1, 2023.*

1 15A NCAC 10B .0301 is amended with changes as published in 37:11 NCR 798 as follows:

2
3 **15A NCAC 10B .0301 DEFINITIONS**

4 As used in this Section, the following definitions apply:

- 5 (1) [~~“Box trap” and~~] “Box trap”, “corral trap”, and “cage trap” are [any] a device designed [in such a
6 manner] so that the animal enters the trap through a door that closes and is meant to prevent the
7 animal from exiting.
- 8 ~~(1)~~(2) "Breakaway device" means any a device incorporated into a snare or snare component that allows
9 the loop to break open, and an animal to escape completely free of the snare, when a specified
10 amount of force is applied.
- 11 ~~(2)~~(3) "Collarum™-type trap" means any a power-activated snare that is activated when the trigger is
12 pulled and that is designed to capture and restrain the animal by a cable around the neck.
- 13 (4) “Conibear®”, [“conibear® type”,] “Conibear®-type”, and “bodygrip” traps are designed to catch
14 an animal in a body hold resulting in a quick kill.
- 15 ~~(3)~~(5) "Leghold" and "foothold" mean any a trap designed to hold an animal by the foot.
- 16 ~~(4)~~(6) "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing
17 beyond a specified point.
- 18 ~~(5)~~(7) "Power-activated" means a snare on which the speed or direction of the loop closure is initiated or
19 augmented by some type of a powering device like a spring.
- 20 ~~(6)~~(8) "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the
21 captured animal when the cable is not taut.
- 22 ~~(7)~~(9) "Snare" means any a cable restraining device.
- 23 ~~(8)~~(10) "Steel-jaw" means any a leghold or foothold trap in which the jaw(s) jaws are made of metal.

24
25
26 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.6;*
27 *Eff. January 1, 2011;*
28 *Readopted Eff. February 1, 2022;*
29 *Amended Eff. August 1, 2023.*

1 15A NCAC 10B .0303 is amended with changes as published in 37:11 NCR 798 as follows:

2
3 **15A NCAC 10B .0303 OPEN SEASONS**

4 (a) ~~General~~—The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S.
5 113-129(7a), as well as the taking by trapping of coyotes, armadillos, and groundhogs, shall be ~~November–October 1~~
6 through the last day of February, subject to the following:

7 (1) trapping coyotes shall also be allowed during local fox trapping seasons and in accordance with
8 methods described by local law in counties that have established fox trapping seasons by law outside
9 the regular trapping season described in Paragraph (a); and

10 (2) there is no closed trapping season for nutria may be trapped east of I-77 at any time. I-77.

11 (b) Feral Swine. There is no closed season for trapping feral swine, subject to the following restrictions:

12 (1) in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission
13 is required to trap feral swine. Individuals exempted from license requirements under the provisions
14 specified in of G.S. 113-276 may trap feral swine without a hunting or trapping license, but must
15 also acquire the permit; permit. Individuals may obtain a permit free of charge online at
16 newwildlife.org by indicating the county where trapping will occur.

17 (2) feral swine may be live-trapped using only corral or box traps. Corral and box traps must be
18 constructed in a manner such so that a non-target animal can may be released or can escape without
19 harm. The permit number must be displayed on all the traps; and

20 (3) feral swine must shall be euthanized while in the trap and may not be removed from the trap alive.
21 alive from any trap.

22
23 ~~Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.~~

24
25 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;*
26 *Eff. February 1, 1976;*
27 *Amended Eff. July 1, 1996; July 1, 1984; July 1, 1983; August 1, 1982; August 1, 1981;*
28 *Temporary Amendment Eff. July 1, 1999;*
29 *Amended Eff. July 1, 2000;*
30 *Temporary Amendment Eff. June 1, 2003;*
31 *Amended Eff. August 1, 2010; May 1, 2009; November 1, 2008; May 1, 2008; May 1, 2007; May 1,*
32 *2006; June 1, 2005; August 1, 2004;*
33 *Recodified from Rule 10B .0302 Eff. January 1, 2011;*
34 *Temporary Amendment Eff. December 29, 2011;*
35 *Amended Eff. November 1, 2012;*
36 *Readopted Eff. August 1, 2019;*
37 *Amended Eff. August 1, 2023.*

1 15A NCAC 10B .0306 is adopted with changes as published in 37:11 NCR 799 as follows:

2
3 **15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF ~~FURS~~ TRAPS**

4 (a) ~~Every trap~~ Traps shall be visited daily and ~~any animal~~ animals caught ~~therein~~ shall be removed, except for
5 completely submerged ~~conibear type~~ Conibear®-type, Conibear®, or bodygrip traps which shall be visited
6 once ~~every~~ per 72 hours and ~~any animal~~ animals caught ~~therein~~ shall be removed.

7 (b) Steel-jaw, leghold, ~~conibear®, conibear® type~~ Conibear®, Conibear®-type traps, Collarum™-type traps, snares,
8 box traps, and cage traps must have a weather-resistant permanent tag attached legibly giving the trapper's name and
9 address or the trapper's trapper identification number provided by the Wildlife Resources Commission and the Wildlife
10 Resources Commission's telephone number to report wildlife violations. Box traps for rabbits ~~must~~ shall have a
11 weather-resistant permanent tag attached legibly giving the hunter's name and address or the hunter's Wildlife
12 Resources Commission customer number and the Wildlife Resources Commission's telephone number to report
13 wildlife violations.

14 (c) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following
15 features:

- 16 (1) a control unit that monitors the trap in real-time and reports trap status and unit status to a centralized
17 application database ~~at least~~ a minimum of once every 2 hours;
- 18 (2) a software application that notifies the user of unit status, trap activity, and system health issues
19 within 10 minutes of these events via email, text-based messaging systems, or an in-application
20 notification; and
- 21 (3) an on-demand test procedure that is used at ~~each~~ deployment of a unit to confirm that the unit is
22 placed in a location where its wireless communication can be received and processed.

23 (d) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within
24 24 hours of the time the trap was reported closed.

25 (e) If a remote trap checking system control unit fails to report its status after a 12-hour period, or reports a system
26 health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.

27 (f) Remote trap checking system users shall maintain records of trap status and notification alarms for ~~at least~~ a
28 minimum of seven days after receipt. Records shall be made available for inspection upon request by a representative
29 of the Commission.

30
31 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;*

32 *Adopted Eff. August 1, 2023.*

1 15A NCAC 10H .1506 is amended with changes as published in 37:11 NCR 821 as follows:

2
3 **15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND**
4 **REQUIREMENTS**

5 (a) The following definitions shall apply in this Section:

6 (1) "Alligator control agent" or "ACA" means a licensed Wildlife Control Agent that holds a current
7 and valid alligator control agent certification issued by the Commission.

8 (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the
9 Commission that authorizes a Wildlife Control Agent to engage in alligator damage control or
10 alligator removal activities by means of with a Commission-issued depredation permit.

11 (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without
12 first obtaining an alligator control agent (ACA) ACA certification from the Commission.

13 (c) Only individuals with a valid wildlife control agent (WCA) WCA license shall be eligible for ACA certification.

14 (d) WCAs meeting the following requirements shall qualify for ACA certification:

15 (1) completion of a Commission-approved ACA training course that reviews the following:

16 (A) alligator rules;

17 (B) procedures for alligator data collection activities; and

18 (C) safe, humane alligator capture, handling, and transporting techniques.

19 (2) a passing score on the ACA written examination as specified in Paragraph ~~(d)~~(f) of this Rule.

20 (3) demonstration to the Commission possession of necessary equipment to safely and humanely
21 capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder
22 (PIT) tag reader, and an alligator transport ~~device.~~ device, as verified through inspection by the
23 Commission.

24 (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca

25 (f) WCAs ~~scoring at least an~~ shall score a minimum of 80 percent on the ACA examination provided by the
26 ~~Commission shall be deemed to have received a passing score.~~ Commission. WCAs failing to obtain a passing score
27 on the examination shall receive one opportunity to re-take the examination and receive a passing score without being
28 required to retake the ACA training course.

29 (g) An ACA certification shall not be transferable between individuals.

30 (h) All equipment used in captive [facilitates] facilities or on captive alligators shall not be used for ACA operations.

31
32
33 *History Note: Authority G.S. 113-134; 113-273; 113-274;*

34 *Eff. May 1, 2021;*

35 *Amended Eff. August 1, 2023.*

1 15A NCAC 10J .0101 is readopted with changes as published in 37:11 NCR 821 as follows:

2
3 **15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS**

4 ~~For the purposes of these regulations, wildlife conservation areas are defined as any lands owned, leased, controlled,~~
5 ~~or cooperatively managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife~~
6 ~~resources including those areas designated and posted as Wildlife Conservation Areas and those designated and posted~~
7 ~~as Colonial Waterbird Nesting Areas.~~

8 (a) For purposes of this Subchapter, the following definitions shall apply:

9 (1) "Wildlife Conservation Area" means [any] lands owned, leased, controlled, or cooperatively
10 managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife
11 resources including those areas designated and posted as Wildlife Conservation Areas and those
12 designated and posted as Waterbird Nesting Areas.

13 (2) "Other materials" [means: all] means metals, minerals, rocks, soil, organic debris, buildings, fences,
14 archeological resources as defined in G.S. 70-12, and water.

15 (b) The Wildlife Resources Commission has identified and posted the following areas on Wildlife Conservation Areas
16 that have additional restrictions on entry or usage:

17 (1) [On portions of Wildlife Conservation Areas posted as] "Safety Zones" are areas where hunting is
18 prohibited. No person shall hunt or discharge a firearm or archery equipment as defined in 15A
19 NCAC 10B .0116 within, into, or across a posted safety zone on any Wildlife Conservation Area.
20 Falconry is exempt from this provision.

21 (2) [Portions of Wildlife Conservation Areas posted as] "Restricted Zones" are areas closed to [all] use
22 by the public, and entry upon such an area [for any purpose] is prohibited without [first having
23 obtained] written approval [of such entry or use] from the Wildlife Resources Commission. [The
24 Commission may authorize entry [Entry shall be authorized only] when [such entry will not
25 compromise] the primary purpose for [establishing] the Restricted Zone shall not be compromised,
26 and the [person or] persons requesting entry [are able to] can demonstrate a valid need or [such
27 person is a contractor or agent of the Commission conducting] official [business.] business of the
28 Commission is being conducted by a contractor or agent of the Commission. Valid needs may
29 include access to private property, scientific investigations, surveys, or other activities in the public
30 interest.

31
32 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-305; 113-306;*
33 *Eff. February 1, 1990;*
34 *Readopted Eff. August 1, 2023.*

1 15A NCAC 10J .0102 is readopted with changes as published in 37:11 NCR 822 as follows:

2
3 **15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF CONSERVATION AREAS**

4 (a) ~~Trespass.~~ Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation,
5 hunting, ~~trapping~~ trapping, or fishing shall be as authorized by the landowner. ~~On those areas designated and posted~~
6 ~~as Colonial Waterbird Nesting Areas, entry is prohibited during the period of April 1 through August 31 of each year,~~
7 ~~except by written permission of the landowner. Entry into Colonial Waterbird Nesting Areas during the period of~~
8 ~~September 1 through March 31 is as authorized by the landowner.~~

9 (b) Entry is prohibited above the high tide waterline from March 1 through September 15 [of each year] on areas
10 designated and posted as Waterbird Nesting Areas.

11 (b)(c) ~~Littering.~~ No person shall deposit any litter, trash, garbage, or other refuse at any place on any wildlife
12 conservation area a Wildlife Conservation Area, ~~except in receptacles provided for disposal of such refuse.~~ No garbage
13 dumps or sanitary landfills shall be established on any wildlife conservation area a Wildlife Conservation Area by any
14 a person, firm, corporation, county county, or municipality, except as permitted by the landowner.

15 (e)(d) ~~Use and possession of weapons.~~ No person shall discharge:

- 16 (1) any a weapon from a vehicle;
- 17 (2) any a weapon within 200 yards of any building or designated camping areas;
- 18 (3) any weapons a weapon within, into, or across a posted "safety zone;" or
- 19 (4) a firearm [any weapons] a weapon within, into, or across a posted "restricted zone."

20 No person shall hunt with or have in their possession any a shotgun shell containing lead or toxic shot while hunting
21 waterfowl on any an area designated as a wildlife conservation area, Wildlife Conservation Area, except shotgun shells
22 containing lead buckshot may be used while deer hunting. ~~Every individual carrying a concealed handgun must adhere~~
23 ~~to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North~~
24 ~~Carolina.~~

25 (d)(e) ~~License Requirements:~~ [All applicable hunting, trapping, and fishing license requirements shall apply on
26 Wildlife Conservation Areas.]

27 (1) ~~Hunting and Trapping:~~

28 (A) ~~Requirement.~~ Except as provided in Part (d) (1)(B) of this Rule, any person entering upon
29 any designated wildlife conservation area for the purpose of hunting or trapping shall have
30 in his possession a game lands use license in addition to the appropriate hunting or trapping
31 licenses.

32 (B) ~~Exception.~~ A person under 16 years of age may hunt on designated wildlife conservation
33 areas on the license of his parent or legal guardian.

34 (2) ~~Trout Fishing.~~ Any person 16 years of age or over, including an individual fishing with natural bait
35 in the county of his residence, entering a designated wildlife conservation area for the purpose of
36 fishing in designated public mountain trout waters located thereon must have in his possession a
37 regular fishing license and special trout license. The resident and nonresident sportsman's licenses

1 ~~and short term comprehensive fishing licenses include trout fishing privileges on designated~~
2 ~~wildlife conservation areas.~~

3 (c)(f) Training Dogs. Dogs shall not be trained on designated wildlife conservation areas during open hunting
4 seasons for game animals or game birds thereon. Dogs are shall not allowed to enter any wildlife conservation area a
5 Wildlife Conservation Area designated and posted as a ~~colonial waterbird nesting area~~ Waterbird Nesting Area during
6 the period of April from March 1 through August 31, September 15 above the high tide waterline.

7 (f)(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, ~~and .0303, and .0306~~ trapping
8 of fur-bearing animals is permitted on any an area designated and posted as a ~~wildlife conservation area~~ Wildlife
9 Conservation Area during the applicable open seasons, except that trapping is prohibited:

- 10 (1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and
- 11 (2) in posted "safety zones" located on any a Wildlife Conservation Area.

12 (h) (g) The following is prohibited on areas designated as Wildlife Conservation Areas or on [their waters:] waters
13 within their boundaries:

- 14 (1) driving a motorized vehicle on [any] an area posted against vehicular traffic;
- 15 (2) camping, unless designated by the landowner. On the coastal islands designated Wildlife
16 Conservation Areas, camping is allowed except on [those] areas designated and posted as Waterbird
17 Nesting Areas;
- 18 (3) swimming, except for the waters adjacent to coastal island Wildlife Conservation Areas;
- 19 (4) operating a vessel powered by internal combustion engine; and
- 20 (5) operating motorized land vehicles not licensed for highway [use. Persons] use, except that persons
21 who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall
22 comply with permit conditions;
- 23 (6) open fires.

24 (g) Vehicular Traffic. ~~No person shall drive a motorized vehicle on a road, trail or area posted against vehicular traffic~~
25 ~~or other than on roads maintained for vehicular use on any designated wildlife conservation area.~~

26 (h) Camping. ~~No person shall camp on any designated wildlife conservation area except on an area designated by~~
27 ~~the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except~~
28 ~~on those areas designated and posted as Colonial Waterbird Nesting Areas.~~

29 (i) Swimming. ~~No person shall swim in the waters located on designated wildlife conservation areas, except that a~~
30 ~~person may swim in waters adjacent to coastal island wildlife conservation areas.~~

31 (j) Motorboats. ~~No person shall operate any vessel powered by an internal combustion engine on the waters located~~
32 ~~on designated wildlife conservation areas.~~

33 (k) Non Highway Licensed Vehicles. ~~It is unlawful to operate motorized land vehicles not licensed for highway use~~
34 ~~on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from~~
35 ~~this Rule but shall comply with permit conditions.~~

36 (l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson
37 Cohen Wildlife Conservation Area.

1 ~~(m)(4)(h)~~ It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where
2 otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written
3 authorization of the Wildlife Resources Commission. ~~Releasing animals or birds, domesticated animals, [and] or feral~~
4 ~~animals on Wildlife Conservation Areas is prohibited except for:~~

- 5 (1) hunting dogs and raptors when permitted for hunting and training purposes; or
- 6 (2) with prior written authorization of the Wildlife Resources Commission.

7 ~~(n)(4)(i) Possession and removal.~~ No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts,
8 plants, plant materials, or other materials may be possessed on or removed from ~~conservation~~ Wildlife Conservation
9 areas Areas without written permission from the Commission. ~~[Commission as specified in 15A NCAC 10J .0101.]~~
10 For purposes of this Rule, "other materials" includes all metals, minerals, rocks, soil, organic debris, buildings, fences,
11 historic artifacts and water. Minimal amounts of animal parts, plant parts not removed from live plants, and other
12 materials may be collected by hand and removed from Commission lands without written permission, except in
13 violation of rules, general statutes, or federal law. Collection of animal [parts,] parts and plant parts not removed from
14 live plants for commercial use or sale is prohibited. For purposes of this Subparagraph, "minimal amounts," are
15 quantities that fit within a cubic foot of space, except for firewood to be used at posted camping areas. [Minimal
16 amounts of firewood are quantities] Collection of firewood sufficient to build and maintain a fire [for the duration of]
17 during the Wildlife Conservation Area user's stay at the [campground,] campground is permitted.

18
19 *History Note:* Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-296; 113-297; 113-305;
20 113-306; 113-296; 113-297;
21 *Eff. February 1, 1990;*
22 *Amended Eff. January 1, 2013; January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June*
23 *1, 2005.*
24 *Readopted Eff. August 1, 2023.*

Burgos, Alexander N

From: Ruhlman, Carrie A
Sent: Tuesday, April 4, 2023 4:15 PM
To: Duke, Lawrence; Bonner, Melva G
Cc: Burgos, Alexander N
Subject: RE: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Got it. Will do.

Carrie Ruhlman

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606
Office: 919-707-0011
Mobile: 919-606-2241

ncwildlife.org



From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, April 4, 2023 1:13 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: WRC - 15A NCAC 10B, H, & J - Requests for Changes

Carrie,

Please see attached requests for changes to the rules submitted for RRC review at the April 2023 meeting. If you can, please have responses in by close of business on Wednesday, April 12. If you have any questions, please let me know.

Thanks,
Lawrence Duke



Counsel to the North Carolina Rules Review Commission
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