

## Burgos, Alexander N

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**From:** Ruhlman, Carrie A  
**Sent:** Tuesday, June 13, 2023 3:07 PM  
**To:** Rules, Oah  
**Cc:** Duke, Lawrence; Burgos, Alexander N; Bonner, Melva G  
**Subject:** WRC Temp CWD Rules  
**Attachments:** 15A NCAC 10B .0501-Tech.docx; 15A NCAC 10B .0502.docx; 15A NCAC 10B .0503-Tech.docx; 15A NCAC 10B .0504-Tech.docx; 15A NCAC 10B .0505-Tech.docx

All temporary CWD rules with technical changes and effective dates are attached.

### Carrie Ruhlman

Policy Development Manager

#### N.C. Wildlife Resources Commission

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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.

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

3  
4 15A NCAC 10B .0501 is adopted under temporary procedures as follows:

5  
6 **15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS**

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

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

- 10 (1) "Cervid" means ~~all~~ ~~the~~ animals in the Family Cervidae not otherwise regulated by the NC  
11 Department of Agriculture and Consumer Services.
- 12 (2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf  
13 of the Commission.
- 14 (3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion  
15 disease affecting species within the deer (Cervidae) Family.
- 16 (4) "CWD Management Area" means the area delineated by the Commission where CWD has been  
17 determined to be endemic and the rules of this Section apply.
- 18 (5) "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for  
19 CWD surveillance where a confirmed CWD positive cervid has been found.
- 20 (6) "Sample" means the cervid head and ~~at least~~ ~~no less than~~ three inches of the neck.
- 21 (7) "Secondary Surveillance Area" or "SSA" means a county adjacent to or near a PSA delineated  
22 by the Commission for CWD surveillance.
- 23 (8) "Submit" means to deliver a sample to a cervid health cooperator or qualified Commission  
24 employee or deposit in a Commission CWD Testing Drop-off Station.
- 25 (9) "Surveillance Area" means the PSA and SSA collectively.

26  
27 History Note: Authority G.S. 113-134; 113-306;  
28 Temporary Adoption Eff. July 1, 2023.

1 15A NCAC 10B .0502 is adopted under temporary procedures as follows:

2

3 **15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED**

4 (a) The following Counties are Primary Surveillance Areas:

5 (1) Cumberland County;

6 (2) Stokes County;

7 (3) Surry County;

8 (4) Wilkes County; and

9 (5) Yadkin County.

10 (b) The following Counties are Secondary Surveillance Areas:

11 (1) Alexander County;

12 (2) Alleghany County;

13 (3) Ashe County;

14 (4) Bladen County;

15 (5) Davie County;

16 (6) Forsyth County;

17 (7) Guilford County;

18 (8) Harnett County;

19 (9) Hoke County;

20 (10) Iredell County;

21 (11) Robeson County;

22 (12) Rockingham County; and

23 (13) Sampson County.

24

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

26 Temporary Adoption Eff. July 1, 2023.

27

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

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

4 (a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be  
5 prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from  
6 January 2 through August 31 [each year] inside a Surveillance Area, except that bird feeders *specifically designed for*  
7 *nongame birds* and other activities specifically permitted by the Commission shall be allowed. Placement of bait,  
8 food, or food products [for the purpose of hunting] to hunt during the urban archery season shall be allowed within  
9 the established season in participating municipalities.

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

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

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

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

- 17 (1) *meat that has been boned out [such] so that no pieces or fragments of bone remain;*
- 18 (2) *caped hides with no part of the skull or spinal column attached;*
- 19 (3) *antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;*
- 20 (4) *cleaned lower jawbones with teeth or cleaned teeth;*
- 21 (5) *finished taxidermy products and tanned hides; and*
- 22 (6) *carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.*
- 23 (7) *carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or*  
24 *outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and*
- 25 (8) *carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or*  
26 *PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.*

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

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

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

- 34 (1) *products labeled as containing synthetic analogs of cervid [excretions and labeled as such;]*  
35 *excretions;*

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

15  
16 *History Note: Authority G.S. 113-134; 113-306;*  
17 *Temporary Adoption Eff. July 1, 2023.*

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

2

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

4 (a) [Any] A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday  
5 thereafter in PSA counties listed in Rule 10B .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from  
6 that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

7 (b) [Any] A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd  
8 Sunday thereafter in PSA counties listed in Rule 10B .0203(a)(1)(A) or (B) of this Subchapter shall submit a  
9 sample from that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

10

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

12 *Temporary Adoption Eff. July 1, 2023.*

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

2

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

4 (a) [Any] A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday  
5 thereafter in SSA counties listed in Rule 10B .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from  
6 that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

7 (b) [Any] A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd  
8 Sunday thereafter in SSA counties listed in Rule 10B .0203(a)(1)(A) or (B) of this Subchapter shall submit a  
9 sample from that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

10

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

12 Temporary Adoption Eff. July 1, 2023.

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

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

The imposition of a question implies that the rule as written is unclear or there is some ambiguity. If the request includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for consideration which the agency may find preferable and clarifying.

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

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

### Note the following general instructions:

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

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



**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0501

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

*“At least” should be avoided if possible. This appears on line 20. **Changed to “no less than”.***

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 .0503

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

*In Paragraph (a), "each year" is unnecessary and should be deleted. Also, change "for the purpose of hunting" to "to hunt". Done.*

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

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

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

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0504

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

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

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

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

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 .0505

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

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

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

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

## Burgos, Alexander N

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**Subject:** FW: WRC 10B Temp Rules

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**From:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>

**Sent:** Tuesday, June 13, 2023 10:53 AM

**To:** Ruhlman, Carrie A <[carrie.ruhlman@ncwildlife.org](mailto:carrie.ruhlman@ncwildlife.org)>; Bonner, Melva G <[melva.bonner@ncwildlife.org](mailto:melva.bonner@ncwildlife.org)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: WRC 10B Temp Rules

Can you please file the finalized versions to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)?

Thank you.

### Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

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**From:** Ruhlman, Carrie A <[carrie.ruhlman@ncwildlife.org](mailto:carrie.ruhlman@ncwildlife.org)>

**Sent:** Monday, June 12, 2023 3:15 PM

**To:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>; Bonner, Melva G <[melva.bonner@ncwildlife.org](mailto:melva.bonner@ncwildlife.org)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: WRC 10B Temp Rules

Lawrence,

Attached are responses and revised rules. Please let me know if you have any questions or concerns.

### 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](http://ncwildlife.org)



## Burgos, Alexander N

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**Sent:** Monday, June 12, 2023 3:15 PM  
**To:** Duke, Lawrence; Bonner, Melva G  
**Cc:** Burgos, Alexander N  
**Subject:** RE: WRC 10B Temp Rules  
**Attachments:** 15A NCAC 10B .0501-Tech.docx; 15A NCAC 10B .0503-Tech.docx; 15A NCAC 10B .0504-Tech.docx; 15A NCAC 10B .0505-Tech.docx; Wildlife Resources Commission - 06.2022 - 15A NCAC 10B Temporary Rules - Change Requests.docx

Lawrence,

Attached are responses and revised rules. Please let me know if you have any questions or concerns.

## 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

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**Sent:** Thursday, June 8, 2023 3:02 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 10B Temp Rules

Carrie,

Please see attached change requests for the Wildlife Resources Commission's temporary rules submitted for the June 2023 RRC Meeting.

As always, if you have any questions, please let me know.

## Lawrence Duke



**Counsel to the North Carolina Rules Review Commission**  
**Office of Administrative Hearings**  
[Lawrence.Duke@oah.nc.gov](mailto:Lawrence.Duke@oah.nc.gov)  
(919) 296-1938

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

3  
4 15A NCAC 10B .0501 is adopted under temporary procedures as follows:

5  
6 **15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS**

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

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

- 10 (1) "Cervid" means [all] the animals in the Family Cervidae not otherwise regulated by the NC  
11 Department of Agriculture and Consumer Services.
- 12 (2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf  
13 of the Commission.
- 14 (3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion  
15 disease affecting species within the deer (Cervidae) Family.
- 16 (4) "CWD Management Area" means the area delineated by the Commission where CWD has been  
17 determined to be endemic and the rules of this Section apply.
- 18 (5) "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for  
19 CWD surveillance where a confirmed CWD positive cervid has been found.
- 20 (6) "Sample" means the cervid head and [at least] no less than three inches of the neck.
- 21 (7) "Secondary Surveillance Area" or "SSA" means a county adjacent to or near a PSA delineated  
22 by the Commission for CWD surveillance.
- 23 (8) "Submit" means to deliver a sample to a cervid health cooperator or qualified Commission  
24 employee or deposit in a Commission CWD Testing Drop-off Station.
- 25 (9) "Surveillance Area" means the PSA and SSA collectively.

26  
27 History Note: Authority G.S. 113-134; 113-306;  
28



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

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

4 (a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be  
5 prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from  
6 January 2 through August 31 [each year] inside a Surveillance Area, except that bird feeders *specifically designed for*  
7 *nongame birds* and other activities specifically permitted by the Commission shall be allowed. Placement of bait,  
8 food, or food products [for the purpose of hunting] to hunt during the urban archery season shall be allowed within  
9 the established season in participating municipalities.

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

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

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

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

- 17 (1) meat that has been boned out [such] so that no pieces or fragments of bone remain;
- 18 (2) caped hides with no part of the skull or spinal column attached;
- 19 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- 20 (4) cleaned lower jawbones with teeth or cleaned teeth;
- 21 (5) finished taxidermy products and tanned hides; and
- 22 (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.
- 23 (7) *carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or*  
24 *outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and*
- 25 (8) *carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or*  
26 *PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.*

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

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

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

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

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

15  
16     *History Note: Authority G.S. 113-134; 113-306;*  
17

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

2

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

4 (a) [Any] A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday  
5 thereafter in PSA counties listed in Rule 10B .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from  
6 that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

7 (b) [Any] A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd  
8 Sunday thereafter in PSA counties listed in Rule 10B .0203(a)(1)(A) or (B) of this Subchapter shall submit a  
9 sample from that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

10

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

12

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

2

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

4 (a) [Any] A hunter who harvests a cervid from the Saturday prior to Thanksgiving through the 3rd Sunday  
5 thereafter in SSA counties listed in Rule 10B .0203(a)(1)(C) or (E) of this Subchapter shall submit a sample from  
6 that cervid [no] not later than [2] two weeks following the harvest for CWD testing.

7 (b) [Any] A hunter who harvests a cervid from the Saturday 12 days prior to Thanksgiving Day through the 3rd  
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10

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

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

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

The imposition of a question implies that the rule as written is unclear or there is some ambiguity. If the request includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for consideration which the agency may find preferable and clarifying.

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

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

### Note the following general instructions:

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

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

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0501

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

*“At least” should be avoided if possible. This appears on line 20. **Changed to “no less than”.***

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 .0503

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

*In Paragraph (a), "each year" is unnecessary and should be deleted. Also, change "for the purpose of hunting" to "to hunt". Done.*

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

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

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

**REQUEST FOR § 150B-21.10 CHANGES**

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0504

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

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

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

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

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 .0505

**DEADLINE FOR RECEIPT: Tuesday, June 13, 2022**

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

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

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

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

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

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

## **Burgos, Alexander N**

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**From:** Duke, Lawrence  
**Sent:** Thursday, June 8, 2023 3:02 PM  
**To:** Ruhlman, Carrie A; Bonner, Melva G  
**Cc:** Burgos, Alexander N  
**Subject:** WRC 10B Temp Rules  
**Attachments:** Wildlife Resources Commission - 06.2022 - 15A NCAC 10B Temporary Rules - Change Requests.docx

Carrie,

Please see attached change requests for the Wildlife Resources Commission's temporary rules submitted for the June 2023 RRC Meeting.

As always, if you have any questions, please let me know.

**Lawrence Duke**



**Counsel to the North Carolina Rules Review Commission**  
**Office of Administrative Hearings**  
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