

Burgos, Alexander N

Subject: FW: NCWRC Tech Changes for August RRC Meeting
Attachments: 15A NCAC 10F .0109 - Tech.docx; Wildlife Resources Commission - 08.2023 - 15A NCAC 10F - Change Requests - WRC Responses.docx; 15A NCAC 10F .0102 - Tech.docx; 15A NCAC 10F .0104 - Tech.docx; 15A NCAC 10B .0113 - Tech.docx; Wildlife Resources Commission - 08.2023 - 15A NCAC 10B - Change Requests - WRC Responses.docx; Form_0400_for_Permanent_Rule_15A NCAC 10B .0113 - Signed(2).pdf; Form_0400_for_Permanent_Rule_15A NCAC 10F .0374 - Signed.pdf; Wildlife Resources Commission - 08.2023 - 15A NCAC 10F - Change Requests - WRC Responses.docx; 15A NCAC 10F .0374-Tech.docx; 15A NCAC 10F .0310 - Tech.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Tuesday, August 15, 2023 8:24 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Subject: NCWRC Tech Changes for August RRC Meeting

Attached are WRC responses to technical change requests and revised rules and forms for the 8/17/23 RRC meeting. Please let me know if there are any questions/concerns.

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0113

DEADLINE FOR RECEIPT: Thursday, August 10, 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”, “such”, 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 30, 34. Fixed.

“Upon”, “notwithstanding”, “provided that”, and “appropriate” should be avoided if possible. These appear on page 1, lines 6 and 11; page 2, lines 14, 16, and 20; page 3, lines 5 and 10. Fixed where applicable.

In Subparagraph (a)(3), “their” should be “his or her” and “they” should be “he or she”. Fixed. Also, “[he or she] validate[s] and record[s] the authorization number” is unclear. How does this validate anything? What exactly is required? Re-worded for clarity.

In Subparagraph (a)(6), please add a comma after “recording a harvest”; delete the following “or”; and add a comma after “Bonus Antlerless Deer Harvest Report Card”. Done.

In Subparagraph (a)(8), add an oxford comma after “internet access”. Done.

Remove the comma after the statute citation on page 1, line 32. Done.

Delete “or” after Subparagraphs (e)(1) and (2). Done. Also, remove the comma after “possession of another person” on line 12. Got it. Also on line 12, time should be written “12:00 p.m.” instead of “12pm noon”. Yes. This should be changed in Paragraph (f) as well. Ok.

In Paragraph (g), use an active verb. “Successful Hunters using... shall record the authorization number...” Fixed.

In Paragraph (h), “Except as otherwise provided by rule or law” is unnecessary and should be removed. Removed.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0310

DEADLINE FOR RECEIPT: Thursday, August 10, 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” 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 page 1, line 6; page 3, lines 5 and 7. Fixed.

In Part (a)(12)(B), I believe that it is Bay “Drive” not “Street”. Fixed.

In Paragraph (b), delete “any of”. Done.

In Paragraph (d), after “designated agencies”, change “for placement of markers” to “and shall place markers”. Would prefer not to change, as we are still slowly making this language consistent from the last OAH tech change request for this part of the NWZ rules. However, if we need to, we prefer the change proposed in the rule.

The waters described in Subparagraphs (a)(8) and (a)(10) have two designated agencies for the placement of markers? Was this purposeful? Nope, fixed it. Also, the waters described in Subparagraph (a)(14) have no designated agency [although, if it’s left up to us, I’m happy to go out, spend a day on a boat, and help set markers – as long as it counts as a workday]. Sorry to burst your bubble...yes they do! (a)(13) through (15) is covered by Dare Co. I’m sure they would welcome the help though!

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0374

DEADLINE FOR RECEIPT: Thursday, August 10, 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:

On the "Submission for Permanent Rule" form, the name in Box 2 needs to be corrected to the name in the heading of the Rule.

In Paragraph (b), who are the "authorized persons and vessels"? Commission employees and Cube Hydro employees and contractors. Authorized by whom? Cube Hydro. How? I don't know how they authorize people. Also, Subparagraph (b)(3) is different than the other Subparagraphs in that it merely states, "directly in front of" instead of "downstream from". Correct. Why? Because the hydroelectric station is built on the shore, not in the river. This creates an ambiguity. Not ambiguous, just different. See pictures attached.

In Paragraph (c), what is the difference between "in" and "upon" a vessel? Is the language necessary? Inside of or on top of. Depends on the vessel. Yes.

Paragraphs (f), (g), and (h) are a mess. I don't disagree. Perhaps, try:

(f) No vessel shall tie off to the hydroelectric station structure or accessory structures, anchor, or otherwise secure a vessel within restricted areas described in Paragraph (a) of this Rule. Fixed.

(g) Paragraph (f) of this Rule shall not apply to persons who enter with consent of Cube Hydro Carolinas to maintain, repair, or evaluate facilities of Cube Hydro Carolinas; law enforcement or emergency personnel; or State employees acting in an official capacity. Fixed.

(h) Placement and Maintenance of Markers. Cube Hydro Carolinas shall place and maintain buoys and other signs implementing this Rule. Fixed.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:	
2. Rule citation & name (name not required for repeal):	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO	
4. Rule exempt from RRC review? Yes. Cite authority: No	5. Rule automatically subject to legislative review? Yes. Cite authority: No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact Check all that apply <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain:	
10. Rulemaking Coordinator: Rj qpg< G/O ckk Cf f lskppcrli gpe{ 'eqpvcev.'hlep{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;"><i>Carrie A. Ruhlman</i></div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 15A NCAC 10B .0113 is amended with changes as published in 37:19 NCAC 1942 as follows:

2
3 **15A NCAC 10B .0113 BIG GAME HARVEST REPORTS REPORTING**

4 (a) Definitions. The following definitions shall apply in this Rule:

5 (1) "Authorization number" means the number or code issued by the ~~Electronic Big Game Reporting~~
6 ~~System~~ Commission ~~upon completion of~~ after big game harvest ~~registration,~~ registration is
7 completed. which shall serve as proof of registration and allow continued possession of the
8 carcass.

9 (2) "Big Game" means bear, wild turkey, and white-tailed deer, as defined in G.S. 113-129.

10 (3) "Big Game Harvest Report Card" means the non-transferrable physical or electronic reporting card
11 ~~supplied~~ issued to the hunter an individual by the Commission as part of the ~~[their]~~ his or her big
12 game license, ~~upon which the successful hunter validates and records [they validate and record]~~
13 where the hunter validates his or her big game harvest and records the authorization ~~number for a~~
14 big game harvest. number.

15 (4) "DMAP" means Deer Management Assistance Program as defined in G.S. 113-291.2(e).

16 (4)(5) "Field Dress" means the bleeding or removal of the digestive, respiratory, and circulatory organs.

17 (5)(6) "Validate" or "validation" means electronically recording a [harvest or] harvest on the mobile app,
18 cutting or punching-out the day and month of the harvest ~~occurred~~ on the appropriate line of the
19 Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report ~~Card~~ Card. or by
20 affixing a Commission-issued DMAP [tag,] tag to a harvested animal. ~~Deer Management~~
21 Assistance Program (DMAP) tag, as required by G.S. 113-291.2(e).

22 (6)(7) "Register" or "Registration" means the process by which the big game harvest of big game is
23 reported ~~through the Electronic Big Game Reporting System~~ to the Commission and an
24 authorization number is ~~issued.~~ issued by the Commission.

25 (7)(8) "Remote Area" means an area where ~~access to the Electronic Big Game Reporting System~~ cellular
26 phone signal, internet [access or] access, and the [Mobile] mobile app is are unavailable.

27 (8)(9) "Site of kill" or "site of harvest" means the location that a person takes possession of harvested big
28 game.

29 (9)(10) "Successful hunter" means a person that has lawfully taken and reduced to possession a big game
30 animal.

31 (11) "Mobile app" means a unique Commission application that may be downloaded to a mobile
32 device allowing successful hunters to validate and register a big game harvest.

33 (b) ~~[Any]~~ An individual hunting big game animals, including license exempt individuals, shall have an electronic or
34 paper version of the Big Game Harvest Report Card, Bonus Antlerless Deer Harvest Report Card, or DMAP tag
35 pursuant to G.S. [113-291.2,] 113-291.2 on [their] his or her person while hunting.

36 (b)(c) Validation. ~~The~~ A successful hunter shall validate the ~~the~~ [their] his or her Big Game Harvest Report Card or the
37 Bonus Antlerless Deer Harvest Report Card or affix a Commission-issued DMAP tag before moving ~~any~~ a big game

1 ~~animal~~ from the site of kill. ~~Deer harvested pursuant to the Deer Management Assistance Program (DMAP), that are~~
2 ~~not validated by~~
3 ~~the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card, shall be validated by affixing~~
4 ~~a Commission issued DMAP tag.~~

5 ~~(e)(d)~~ Field Dressing. Harvested big game may be field dressed at the site of kill or before registration. Further
6 processing that obscures the identification of the harvested animal's species, age, or sex shall be prohibited without a
7 valid authorization number.

8 ~~(d)(c)~~ Registration. Harvested big game shall be registered via ~~the Electronic Big Game Reporting System the~~
9 ~~Commission's mobile app, online at www.ncwildlife.org or www.newwildlife.org, by calling 1-800-446-8663, 1-800-~~
10 ~~446-8663, or as described in the DMAP license.~~ Harvested big game shall be registered before the animal is:

- 11 (1) skinned; ~~or~~
- 12 (2) dismembered; ~~or~~
- 13 (3) left unattended by the successful hunter; or
- 14 (4) placed in the possession of another person.

15 Harvested big game animals that are not skinned, dismembered, left unattended by the successful hunter, or placed
16 in the possession of another ~~person, person~~ shall be registered by ~~12pm noon~~ 12:00 p.m. the day following the
17 harvest.

18 ~~(e)(f)~~ Registration in Remote Areas. Big game harvested in remote areas shall be registered by ~~12pm noon~~ 12:00
19 p.m. the day after leaving the remote area. ~~Notwithstanding the registration requirements in Paragraph (d) [(e)] of~~
20 ~~this Rule, big Big~~ game harvested in remote areas may:

- 21 (1) be placed in the possession of another, ~~provided that if~~ the person in possession of the big game
22 has the successful hunter's name and date of kill on ~~their~~ his or her person; and
- 23 (2) be skinned and dismembered before registration, if the carcass cannot be transported intact.

24 ~~(f)(g)~~ Authorization number. ~~Successful hunters using the paper Big Game Harvest Report Card or Bonus Antlerless~~
25 ~~Deer Harvest Report [Card, the] The authorization number shall be recorded~~ record the authorization number in the
26 space provided for the ~~appropriate~~ harvested big game ~~animal, animal on the Big Game Harvest Report Card or on~~
27 ~~the Bonus Antlerless Deer Harvest Report Card.~~ Successful hunters ~~validating a deer harvest by affixing~~ using a
28 Commission-issued DMAP tag shall record and maintain the authorization number ~~upon registration, as described in~~
29 ~~the DMAP license.~~

30 ~~(g)(h)~~ Unattended Harvests. ~~Except as otherwise provided by rule or law, successful~~ Successful hunters that leave a
31 harvested big game animal unattended or in the possession of another person shall identify the carcass by attaching
32 the authorization number issued at the time of registration. Except as provided in Paragraph ~~(e)(f)~~ of this Rule, a
33 person that takes possession of a big game animal from a successful hunter shall retain the authorization number of
34 that animal.

35 ~~(h)~~ Exceptions. Requirements of this Rule shall not be applicable to special deer tags issued pursuant to G.S. 113-
36 ~~291.2(e).~~

1 ~~(i) Any person hunting big game animals, including license exempt persons, shall have a valid Big Game Harvest~~
2 ~~Report Card, valid Bonus Antlerless Deer Harvest Report Card, or special tag pursuant to G.S. 113-291.2 in their~~
3 ~~possession. The Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card is part of the big~~
4 ~~game license and shall not be transferrable.~~

5 ~~(j) Any persons who has requested a Big Game Harvest Report Card by phone or internet but has not yet received~~
6 ~~the Big Game Harvest Report Card by mail, shall validate the kill by affixing the harvest ID number provided by the~~
7 ~~Commission to the carcass and shall register in accordance with Paragraphs (d) or (e) of this Rule. The successful~~
8 ~~hunter shall retain all authorization numbers from reported harvests and shall transcribe those authorization numbers~~
9 ~~to the Big Game Harvest Report Card upon receipt of the card.~~

10
11 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;*

14 *Temporary Amendment Eff. July 1, 1999;*

15 *Amended Eff. August 1, 2017; August 1, 2012; August 1, 2010; June 1, 2009; May 1, 2007; May 1,*
16 *2004; July 1, 2000;*

17 *Readopted Eff. August 1, ~~2020~~ 2020;*

18 *Amended Eff. September 1, 2023.*

1 15A NCAC 10F .0102 is amended with changes as published in 37:19 NCAC 1944 as follows:

2
3 **15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER**

4 (a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all the forms prescribed
5 pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

6 (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its
7 equipment and resulting in:

8 (A) damage by or to the vessel, its equipment, or other property;

9 (B) injury or loss of life to any a person; or

10 (C) the disappearance of any a person from a vessel under circumstances that indicate the
11 possibility of death or injury.

12 A "boating accident" includes capsizing, collision, foundering, flooding, fire, explosion, and the
13 disappearance of a vessel other than by theft.

14 (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.

15 ~~(3)~~ "Charter Fishing Vessel" means a vessel carrying passengers for hire who are engaged in
16 recreational fishing.

17 ~~(3)(4)~~ "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at
18 retail or wholesale from an established location.

19 ~~(4)(5)~~ "Government Agency Vessel" means a vessel owned and operated by the United States or a federal
20 agency, a state, or a subdivision of a state.

21 ~~(5)(6)~~ "Livery Vessel" "Rent or Lease Vessel" means a vessel that is rented or leased by the owners to an
22 individual for a defined period of time.

23 ~~(6)(7)~~ "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing
24 vessels either upon prior commission or for the purpose of sale after manufacture.

25 ~~(7)(8)~~ "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad
26 exclusively for rescue purposes, including rescue training.

27 ~~(8)(9)~~ "Proof of Ownership Document" means a document that provides evidence of ownership, including
28 a Certificate of Number or a Certificate of Title issued by the Commission or any a similar document
29 issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin,
30 or any other another document that establishes ownership.

31 ~~(9)(10)~~ "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel
32 transactions. transactions for certificate of number and certificate of titling requirements in G.S.
33 75A.

34 (b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and
35 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including livery rented and leased
36 vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or
37 manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit

1 rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain
2 subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. ~~Every~~ An owner applying for a
3 certificate of number and certificate of title of a vessel, ~~if applicable,~~ shall apply to the Commission or to one of its
4 vessel agents using an application available on the Commission website at ~~www.newwildlife.org,~~
5 www.gooutdoorsnorthcarolina.com. The application shall include the following information:

- 6 (1) the name of the owners;
- 7 (2) the address, telephone number, date of birth, and North Carolina driver license number of the
8 owners;
- 9 (3) the current or previous certificate of number, if applicable;
- 10 (4) the desired period of certificate of number, either one or three years;
- 11 (5) the primary ~~use~~ operation of the vessel:
 - 12 (A) pleasure;
 - 13 (B) ~~livery;~~ rent or lease;
 - 14 (C) dealer or manufacturer demonstration;
 - 15 (D) commercial fishing;
 - 16 (E) commercial passenger;
 - 17 (F) other commercial; ~~or~~
 - 18 (G) ~~other;~~ charter fishing; or
 - 19 (H) other.
- 20 (6) the ~~model of the vessel,~~ model, if known;
- 21 (7) the manufacturer, if known;
- 22 (8) the year of manufacture or model year, if known;
- 23 (9) the manufacturer's hull identification number, if any;
- 24 (10) the overall length of the vessel in feet and inches;
- 25 (11) the type of vessel:
 - 26 (A) ~~open;~~ open motorboat;
 - 27 (B) ~~eabin;~~ cabin motorboat;
 - 28 (C) houseboat;
 - 29 (D) personal watercraft;
 - 30 (E) pontoon; ~~or~~
 - 31 (F) ~~other;~~ air boat;
 - 32 (G) auxiliary sail;
 - 33 (H) inflatable;
 - 34 (I) paddlecraft/canoe;
 - 35 (J) paddlecraft/kayak;
 - 36 (K) rowboat;
 - 37 (L) sail only; or

- 1 (M) other.
- 2 (12) the hull material:
- 3 (A) wood;
- 4 (B) ~~metal;~~ aluminum;
- 5 (C) ~~fiberglass;~~ steel;
- 6 (D) ~~plastic;~~ fiberglass;
- 7 (E) ~~inflatable; or~~ rubber/vinyl/canvas;
- 8 (F) ~~other;~~ plastic; or
- 9 (G) other.
- 10 (13) the type of propulsion:
- 11 (A) ~~inboard;~~ propeller;
- 12 (B) ~~outboard;~~ sail;
- 13 (C) ~~inboard outdrive;~~ water jet;
- 14 (D) ~~sail;~~ manual;
- 15 (E) ~~auxiliary sail with inboard;~~ air thrust; or
- 16 (F) ~~auxiliary sail with outboard;~~ or other.
- 17 ~~(G) jet Drive;~~
- 18 (14) the type of fuel:
- 19 (A) gasoline;
- 20 (B) diesel;
- 21 (C) electric; or
- 22 (D) ~~other;~~ other.
- 23 (15) the engine drive type:
- 24 (A) inboard;
- 25 (B) outboard;
- 26 (C) stern drive;
- 27 (D) pod drive;
- 28 (E) other; or
- 29 (F) none.
- 30 ~~(15)~~(16) a proof of ownership document;
- 31 ~~(16)~~(17) the signature of the owners;
- 32 ~~(17)~~(18) the make of motor if over 25 horsepower, including serial number and purchase price of ~~motor;~~
- 33 motor, if known;
- 34 ~~(18)~~(19) the lien holder name, address, and telephone ~~number;~~ number, if applicable;
- 35 ~~(19)~~(20) the effective lien ~~date;~~ date, if applicable;
- 36 ~~(20)~~(21) the county where vessel is taxed; and
- 37 ~~(21)~~(22) proof of United States Coast Guard documentation, if applicable.

1 (c) Application for certificate of number and certificate of title. The owners shall complete and submit an application
2 for a certificate of number, proof of ownership documents, and applicable required fees to the Commission or one of
3 its vessel agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new
4 or never-before registered vessels. For a period of 60 days following the date of sale, the new owners may use a copy
5 of the proof of ownership document as a temporary certificate of number pending receipt of the original certificate,
6 provided it contains the date of sale. If required, a certificate of title shall be issued and all the reported liens shall be
7 recorded.

8 (d) ~~Livery~~ Rented or Leased Vessel Owners. Upon receipt of a completed application and a copy of the lease or rental
9 agreement form and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a
10 certificate of title.

11 (e) Dealers and Manufacturers of Vessels. Upon receipt of a completed application and fee, the Commission shall
12 issue to the applicant a certificate of number that may be used in connection with the operation of any a vessel in the
13 possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer certificates
14 of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration
15 vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed
16 by dealers or manufacturers for personal use or for any a use other than for demonstration and testing purposes shall
17 be individually registered in the name of the dealer or manufacturer in accordance with the certificate of number
18 requirements of Paragraph (b) of this Rule. Additional dealer or manufacturer certificates of number may be obtained
19 by making application in the same manner as prescribed for the initial certificate with payment of a fee for each
20 additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a) of
21 this Section.

22 (f) Government Agency and Nonprofit Rescue Squad Vessels. Upon receipt of a completed application and proof of
23 ownership documents from a government agency or non-profit rescue squad, the Commission shall issue to the
24 applicant a permanent certificate of number. There shall be no fee for a permanent government agency or non-profit
25 rescue squad certificate of number and the certificate shall be valid until the vessel is transferred to another government
26 agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall
27 not be titled.

28 (g) Commercial Fishing Vessel. The standard application for a certificate of number shall be used for commercial
29 fishing vessels with the term "commercial fishing" marked in the section designated for "primary use." "primary
30 operation of the vessel." Upon receipt of a completed application, proof of ownership document, and fee, the
31 Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

32 (h) Commercial Passenger Vessel. Upon receipt of a completed application, proof of ownership document, and fee,
33 the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

34
35 *History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17; CFR 174.17;*
36 *Eff. February 1, 1976;*
37 *Amended Eff. August 31, 1980;*

1 *Legislative Objection Lodged Eff. December 16, 1980;*
2 *Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection;*
3 *Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; November 1, 1993; August*
4 *1, 1988; July 1, 1988;*
5 *Readopted Eff. November 1, ~~2018~~ 2018;*
6 *Amended Eff. September 1, 2023.*
7

1 15A NCAC 10F .0104 is amended as published in 37:19 NCR 1945 as follows:

2
3 **15A NCAC 10F .0104 CERTIFICATE OF NUMBER**

4 (a) General. ~~Upon receipt of a~~ A completed application, a proof of ownership document, and the ~~applicable required~~
5 fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), ~~are necessary for~~ the Commission ~~shall to~~ issue to the
6 ~~applicant~~ a certificate of number authorizing the operation of ~~the a~~ vessel. The certificate of number shall be carried
7 ~~while by the individual~~ operating the vessel and shall be ~~available presented~~ for inspection ~~to any by a~~ law enforcement
8 officer ~~upon request.~~ when requested. The certificate of number shall ~~include the following information;~~ be signed by
9 the owners.

10 (1) ~~the name of the owners, dealer, or manufacturer;~~

11 (2) ~~the address, including zip code, of the primary owners, dealer, or manufacturers;~~

12 (3) ~~the title indicator;~~

13 (4) ~~the certificate of number awarded to vessel;~~

14 (5) ~~the expiration date of the certificate of number;~~

15 (6) vessel use type: ~~[the primary operation of the vessel;]~~

16 ~~[(A) pleasure;]~~

17 ~~[(B) livery; [rent or lease;]~~

18 ~~[(C) [dealer or manufacturer demonstration;]~~

19 ~~[(D) commercial fishing;~~

20 ~~[(E) commercial passenger;~~

21 ~~[(F) other commercial; or~~

22 ~~[(G) other; [charter fishing; or]~~

23 ~~[(H) other.]~~

24 (7) ~~the model of vessel, if known;~~

25 (8) ~~the manufacturer, if known;~~

26 (9) ~~the year of manufacture or model year, if known;~~

27 (10) ~~the manufacturer's hull identification number, if any;~~

28 (11) ~~the overall length of vessel; [vessel in feet and inches;]~~

29 (12) ~~the type of vessel:~~

30 ~~[(A) open; [open motorboat;]~~

31 ~~[(B) cabin; [cabin motorboat;]~~

32 ~~[(C) houseboat;~~

33 ~~[(D) personal watercraft;~~

34 ~~[(E) pontoon; or~~

35 ~~[(F) other; [air boat;]~~

36 ~~[(G) [auxiliary sail;]~~

37 ~~[(H) inflatable;]~~

- 1 [I] — paddlecraft/canoe;
- 2 [J] — paddlecraft/kayak;
- 3 [K] — rowboat;
- 4 [L] — sail only; or
- 5 [M] — other.]
- 6 (13) — the hull material:
- 7 (A) — wood;
- 8 (B) metal; [aluminum];
- 9 (C) fiberglass; [steel];
- 10 (D) plastic; [fiberglass];
- 11 (E) inflatable; or [rubber/vinyl/canvas];
- 12 (F) other; [plastic; or
- 13 [G] — other.]
- 14 (14) — the type of Propulsion: [propulsion:]
- 15 [(A)] inboard; [propeller];
- 16 [(B)] outboard; [sail];
- 17 [(C)] inboard outdrive; [water jet];
- 18 [(D)] sail; [manual];
- 19 [(E)] auxiliary sail with inboard; [air thrust; or
- 20 [(F)] auxiliary sail with outboard; [other.]
- 21 [(G)] jet drive;
- 22 (15) — the type of fuel:
- 23 (A) — gasoline;
- 24 (B) — diesel;
- 25 (C) — electric; [or
- 26 (D) other; [other.]
- 27 [(16) — the engine drive type:]
- 28 [(A) — inboard;
- 29 [(B) — outboard;
- 30 [(C) — stern drive;
- 31 [(D) — pod drive;
- 32 [(E) — other; or
- 33 [(F) — none.]
- 34 (16)(17) a notice to owner that he shall report within 30 days changes of address or ownership, and
- 35 destruction or abandonment of vessel;
- 36 (17)(18) the signature of the owners; and
- 37 (18)(19) a notice to the owner that the operator shall:

1 ~~(A) — always carry this certificate on vessel when in use;~~

2 ~~(B) — report any accident involving injury or death to persons or property damage in excess of~~
3 ~~two thousand dollars (\$2,000.00); and~~

4 ~~(C) — stop and render assistance if involved in boating accident.~~

5 (b) Dealers and Manufacturers. A dealer or manufacturer demonstrating or testing a vessel may use a set of dealer
6 numbers and the corresponding dealer certificate of number to operate a vessel held for ~~sale, but only sale~~ for
7 demonstration or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for
8 ~~any a~~ use other than for demonstration and testing purposes shall be individually registered in the name of the dealer
9 in accordance with Paragraph (a) of this Rule.

10 ~~(c) Government agency. There shall be no title indicator or expiration date listed for permanent certificate of numbers.~~

11 ~~(d) Vessel Agents. Vessel dealers, manufacturers, and other businesses that operate from locations within North~~
12 ~~Carolina may be appointed as vessel agents of the Commission and be authorized to issue temporary certificates of~~
13 ~~number for new registrations, transfers of ownership, renewals, and duplicate transactions. All official certificates of~~
14 ~~number shall be processed and mailed from the Commission headquarters. Rules governing the appointment and~~
15 ~~operations of vessel agents are contained in 15A NCAC 10G .0400 WILDLIFE SERVICE AGENTS.~~

16
17 *History Note: Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 C.F.R. 174.19; CFR 174.19;*

18 *Legislative Objection Lodged Eff. December 16, 1980;*

19 *Eff. February 1, 1976;*

20 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; July 1, 1988; August 31, 1980; January 1,*
21 *1980;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
23 *6, 2016;*

24 *Amended Eff. September 1, 2023; November 1, 2018.*
25

1 15A NCAC 10F .0109 is amended with changes as published in 37:19 NCAC 1946 as follows:

2
3 **15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER**

4 (a) When a vessel ~~agent processes the final~~ owner completes a transaction to ~~issue,~~ renew, or replace a certificate of
5 number, or initiates a transaction for a new or transfer a certificate of ~~number or to issue a duplicate certificate of~~
6 number, the new owner shall be issued a temporary certificate of number. For ~~a period not exceeding~~ up to 60 days
7 following the date of the transaction, the vessel may be operated with the temporary certificate of number. The
8 temporary certificate of number shall be signed by the owners.

9 ~~(b) The temporary certificate of number shall contain the following:~~

- 10 (1) ~~the name of issuing wildlife service agent;~~
11 (2) ~~the name and address of the owners, dealer, or manufacturer;~~
12 (3) ~~the title indicator;~~
13 (4) ~~the certificate of number;~~
14 (5) ~~the vessel use type: [primary operation of the vessel:]~~
15 (A) ~~pleasure;~~
16 (B) ~~livery; [rent or lease;]~~
17 (C) ~~dealer or manufacturer; [manufacturer demonstration;]~~
18 (D) ~~permanent; [commercial fishing;]~~
19 (E) ~~commercial fishing; [passenger;]~~
20 (F) ~~commercial passenger; [other commercial;]~~
21 (G) ~~other commercial; [charter fishing;] or~~
22 (H) ~~other; [other.]~~
23 (6) ~~the model of vessel; [the vessel, if known;]~~
24 (7) ~~the manufacturer; [manufacturer, if known;]~~
25 (8) ~~the year of manufacture or model year; [year, if known;]~~
26 (9) ~~the manufacturer's hull identification number; [number, if any;]~~
27 (10) ~~the length of vessel; [vessel in feet and inches;]~~
28 (11) ~~the type of vessel:~~
29 (A) ~~open; [open motorboat;]~~
30 (B) ~~cabin; [cabin motorboat;]~~
31 (C) ~~houseboat;~~
32 (D) ~~personal watercraft;~~
33 (E) ~~pontoon; or~~
34 (F) ~~other; [air boat;]~~
35 (G) ~~auxiliary sail;~~
36 (H) ~~inflatable;~~
37 (I) ~~paddlecraft/canoe;~~

- 1 (J) — paddlecraft/kayak;
- 2 (K) — rowboat;
- 3 (L) — sail only; or
- 4 (M) — other.]
- 5 (12) — the hull material:
- 6 (A) — wood;
- 7 (B) — metal; [aluminum;]
- 8 (C) — fiberglass; [steel;]
- 9 (D) — plastic; [fiberglass;]
- 10 (E) — inflatable; or [rubber/vinyl/canvas;]
- 11 (F) — other; [plastic; or]
- 12 (G) — other.]
- 13 (13) — the type of propulsion:
- 14 (A) — inboard; [propeller;]
- 15 (B) — outboard; [sail;]
- 16 (C) — inboard-outdrive; [water jet;]
- 17 (D) — sail; [manual;]
- 18 (E) — auxiliary sail with inboard; [air thrust; or]
- 19 (F) — auxiliary sail with outboard; or [other;]
- 20 (G) — jet drive;
- 21 (14) — the type of fuel:
- 22 (A) — gasoline;
- 23 (B) — diesel;
- 24 (C) — electric; or
- 25 (D) — other; other.]
- 26 (15) — the engine drive type;
- 27 (A) — inboard;
- 28 (B) — outboard;
- 29 (C) — stern drive;
- 30 (D) — pod drive;
- 31 (E) — other; or
- 32 (F) — none.]
- 33 (15)(16) the date the temporary certificate of number is issued;
- 34 (16)(17) the date the temporary certificate of number expires;
- 35 (17)(18) the type of transaction pending; and
- 36 (18)(19) the signature of the owners.
- 37

1 *History Note: Authority G.S. 75A-3; 75A-5; 33 ~~C.F.R. 174.21~~; CFR 174.21;*
2 *Eff. April 1, 1997;*
3 *Amended Eff. May 1, 2007; July 1, 1998;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
5 *6, 2016;*
6 *Amended Eff. September 1, 2023; November 1, 2018.*
7

1 15A NCAC 10F .0310 is amended with changes as published in 37:19 NCR 1948 as follows:

2
3 **15A NCAC 10F .0310 DARE COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters and portions of waters in Dare County:

5 (1) ~~Manteo.~~ Manteo:

6 (A) the waters of Doughs Creek off of off Shallowbag Bay and all the canals off of Shallowbag
7 Bay. Bay; and

8 (B) within 50 yards of the Bowsertown Boating Access Area on Croatan Sound at 35.89810
9 N, 75.67710 W.

10 (2) ~~Hatteras.~~ Hatteras:

11 (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek
12 bounded on the north and south by the high-water mark, on the west by a straight line
13 between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the
14 east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W;
15 and

16 (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard
17 Beacon Number One in the Hatteras Channel.

18 (3) ~~Mann's Manns Harbor.~~ Harbor:

19 (A) Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, ~~75.76916 W.~~ 75.76916
20 W;

21 (B) within 50 yards of the Manns Harbor Boating Access Area on Croatan Sound at 35.91020
22 N, ~~75.77150 W.~~ 75.77150 W; and

23 (C) within 50 yards of the Mashoes Boating Access Area on East Lake at 35.92820 N, 75.81470
24 W.

25 (4) Nags ~~Head.~~ Head:

26 (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound
27 beginning at a point at 35.94192 N, ~~75.62571 W;~~ 75.62571 W; and

28 (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north
29 from U.S. Highway 64-264.

30 (5) ~~Wanchese.~~ Wanchese:

31 (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from
32 Roanoke Sound at a point at 35.84006 N, 75.61726 W; and

33 (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end
34 road ~~SR S.R.~~ 1141 otherwise known as Thicket Lump Drive, extending northwest roughly
35 parallel to ~~SR S.R.~~ 1141, ~~SR S.R.~~ 1142 otherwise known as The Lane, and ~~SR S.R.~~ 1143
36 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway
37 345, and finally curving to the southwest roughly parallel to ~~SR S.R.~~ 1289 otherwise known

as C B Daniels ~~SR~~ S.R. Road to its end.

- (6) ~~Stumpy~~ ~~[Point.]~~ Point:
- (A) ~~Stumpy Point Canal shore to shore on Pamlico Sound, beginning 50 yards west of the Wildlife Resources Commission boating access area.~~ Stumpy Point Boating Access Area, 321 Bayview ~~Drive.~~ Drive; and
- (7) ~~(B)~~ (B) ~~Stumpy Point Basin off of Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.~~
- (7) Rodanthe. Within 50 yards of the Rodanthe Boating Access Area in Roanoke Sound, 23170 Myrna Peters ~~Road.~~ Road;
- (8) ~~Town of Southern Shores. Canals~~ The canals and lagoons within the Town of Southern Shores north of U.S. Highway ~~158.~~ 158;
- (9) ~~Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle~~ ~~Sound.~~ Sound;
- (10) ~~Kitty Hawk. The waters contained~~ in the canals of Kitty Hawk Landing Subdivision.
- (11) ~~Washington Baum Bridge. Bridge Boating Access Area. Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers. The waters within 150 yards north and south and 300 yards east of the Washington Baum Boating Access Area in Roanoke Sound, at 35.89380 N, 75.63710~~ ~~[W.]~~ W;
- (12) ~~Kill Devil~~ ~~Hills.~~ Hills:
- (A) ~~Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.~~ 75.68105 W; and
- (B) ~~the waters within 50 yards of the Avalon Beach Boating Access Area in Kitty Hawk Bay,~~ 2025 Bay ~~[Street.]~~ Drive.
- (13) ~~Avon. The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826~~ ~~W.~~ W;
- (14) ~~Jean Guite Creek. The waters of Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948~~ ~~W.~~ W;
- (15) ~~Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301~~ ~~W.~~ W; and
- (16) ~~Cape Hatteras National Seashore. The waters of Motts Creek in Roanoke Sound, shore to shore~~

1 at a line from a point on the north shore where the Oregon Inlet U.S. Coast Guard Station is located,
2 to a point near the south shore of Motts Creek at 35.792070 N, 75.54903 W, then northward to
3 include the waters at the Oregon Inlet Fishing Center and Marina, Oregon Inlet Public Boat Ramp,
4 kayak launch area, and U. S. Coast Guard Station and Launch Area.

5 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas
6 described in Paragraph (a) of this Rule.

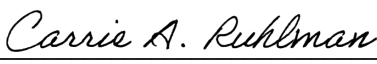
7 (c) Swimming Area. No person operating or responsible for the operation of any a vessel, surfboard, water skis, or
8 ~~jet skis~~ vessel shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point
9 where the canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W
10 and extending 300 feet west into Albemarle Sound.

11 (d) Placement of Markers. The following agencies shall be ~~[are the]~~ designated agencies for placement of ~~place~~
12 markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army
13 Corps of Engineers:

- 14 (1) the Board of Commissioners of the Town of Manteo for the areas ~~indicated~~ designated in
15 Subparagraph (a)(1) Part (a)(1)(A) of this Rule;
- 16 (2) ~~the Board of Commissioners of Dare County for the areas indicated in Subparagraphs (a)(2) through~~
17 ~~(a)(7), (a)(9) and (a)(11) through (a)(15) of this Rule;~~
- 18 (2) the Board of Commissioners of Dare County for the areas designated in Paragraph (c),
19 Subparagraphs (a)(2); (a)(4); (a)(5); (a)(9); [(a)(8) through (10)]; (a)(13) through (15); and Parts
20 (a)(3)(A); (a)(6)(B); and (a)(12)(A) of this Rule;
- 21 (3) the Board of Commissioners of the Town of Southern Shores for the areas ~~indicated~~ designated in
22 Subparagraph (a)(8) of this Rule; and
- 23 (4) the Board of Commissioners of the Town of Kitty Hawk for the area ~~indicated~~ designated in
24 Subparagraph (a)(10) of this ~~Rule.~~ Rule;
- 25 (5) the National Park Service for the area designated in Subparagraph (a)(16) of this Rule; and
- 26 (6) the North Carolina Wildlife Resources Commission for the areas designated in Subparagraphs (a)(7)
27 and (a)(11); and Parts (a)(1)(B); (a)(3)(B) and (C); (a)(6)(A); and (a)(12)(B) of this Rule.

28
29 *History Note: Authority G.S. 75A-3; 75A-15;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. April 1, 1997; December 1, 1994; May 1, 1994; March 1, 1993; May 1, 1988;*
32 *Temporary Amendment Eff. February 1, 1999; July 1, 1998;*
33 *Amended Eff. July 1, 2000; April 1, 1999;*
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
35 *6, 2016;*
36 *Amended Eff. September 1, 2023; October 1, 2022; October 1, 2018.*
37

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:	
2. Rule citation & name (name not required for repeal):	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO*****TGRGCN'VJ TQW J 'TGCFQRVIQP	
4. Rule exempt from RRC review? Yes. Cite authority: No	5. Rule automatically subject to legislative review? Yes. Cite authority: No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact Echeck all that apply <input type="checkbox"/> Vj lu'Twag'y cu'f ct v'qhl'e'eqo dlpgf 'cpcrf ulu <input type="checkbox"/> Ucvg'hwf u'chgevgf Local funds affected Substantial economic impact (≥\$1,000,000) Approved by OSBM No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Agency Court order / cite: Federal statute / cite: Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making Other: </div> </div>	
9B. Explain:	
10. Rulemaking Coordinator: Rj qpg< G/O clκ Cf f lskpcri'ci gpe{ 'eqpvev.'h'icp{ < Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 15A NCAC 10F .0374 is amended with changes as published in 37:19 NCR 1949 as follows:

2
3 **15A NCAC 10F .0374 ~~CUBE YADKIN GENERATION~~ CUBE HYDRO CAROLINAS SAFETY ZONES**
4 **AND RESTRICTED ZONES AREAS**

5 (a) Regulated Areas. This Rule shall apply to the ~~area one hundred feet upstream or and downstream from the stations~~
6 ~~and dams, associated structures, abutments, and equipment at the following stations:~~ following hydroelectric stations,
7 dams, associated structures, abutments, and equipment:

- 8 (1) ~~Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery Counties;~~
9 (2) ~~High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson Counties.~~
10 (1) High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson counties;
11 (2) Tuckertown Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties;
12 (3) Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties; and
13 (4) Falls Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties.

14 (b) Safety Zones. ~~[With the exception of authorized persons and vessels, no]~~ Except for Cube Hydro Carolinas and
15 Commission personnel, no entry shall be allowed in the waters listed [below:] below unless authorized by Cube Hydro
16 Carolinas:

- 17 (1) Yadkin River in Rowan and Davidson counties, 200 feet downstream from the powerhouse,
18 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
19 High Rock Hydroelectric Station;
20 (2) Yadkin River in Stanly and Montgomery counties, 200 feet downstream from the powerhouse,
21 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
22 Tuckertown Hydroelectric Station;
23 (3) Yadkin River in Stanly and Montgomery counties, one hundred feet directly in front of the
24 powerhouse, turbines, or generator discharge that mechanically [propel] propels or [accelerate]
25 accelerates the flow of water at the Narrows Hydroelectric Station; and
26 (4) Yadkin River in Stanly and Montgomery counties, 100 feet downstream from the powerhouse,
27 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
28 Falls Hydroelectric Station.

29 (c) Restricted Areas. Restricted Areas shall be located 200 feet upstream and 200 feet downstream from the
30 hydroelectric stations described in Paragraph (a) of this Rule. Individuals in or upon a vessel in a restricted area shall
31 wear a U.S. Coast Guard-approved personal flotation device as described in Rule .0201 of this ~~[Subchapter at all~~
32 ~~times.]~~ Subchapter.

33 (d) Swimming. Swimming shall be prohibited in restricted areas.

34 (e) Firearms. No person shall discharge a firearm within a restricted area.

35 (b) Fishing. ~~Except as otherwise provided in this Paragraph or in Paragraph (e) of this Rule, no person shall enter the~~
36 ~~waters within the regulated areas described in Paragraph (a) of this Rule, except persons engaged in fishing within the~~
37 ~~regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing activities~~

1 provided that they shall wear at all times a U.S. Coast Guard approved personal flotation device in serviceable
2 condition and of appropriate size for the wearer.

3 (e) Boating. Any person in or upon a boat, raft, or other floating object that enters into the regulated areas described
4 in Paragraph (a) of this Rule shall wear at all times a U.S. Coast Guard approved personal flotation device in
5 serviceable condition and of appropriate size for the wearer.

6 (d)(f) No vessel shall tie off to any part of the hydroelectric station structure or the accessory portions thereof
7 structures, within restricted areas described in Paragraph (a) of this Rule or [nor] anchor anchor, or otherwise secure
8 a vessel in these areas. the restricted areas described in Paragraph (a) of this Rule.

9 (e)(g) Paragraph (d) Paragraph (f) of this Rule shall not apply to persons who enter with consent of Cube Yadkin
10 Generation Cube Hydro Carolinas for the purpose of maintaining, repairing, or evaluating to maintain, repair, or
11 evaluate facilities of Cube Yadkin Generation; Cube Hydro Carolinas; law enforcement or emergency personnel; or
12 N.C. state State employees acting in an official capacity.

13 (f)(h) Placement and Maintenance of Markers. Cube Yadkin Generation Cube Hydro Carolinas shall be the designated
14 entity for placement and maintenance of place and maintain buoys and other signs implementing this Rule.

15
16 *History Note: Authority G.S. 75A-3; 75A-15;*

17 *Eff. January 1, 2008;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016;*

20 *Amended Eff. September 1, 2023; October 1, 2018.*

Burgos, Alexander N

Subject: FW: RRC Review - WRC - 15A NCAC 10B&F

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

Sent: Monday, August 14, 2023 4:50 PM

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

Cc: Bonner, Melva G <melva.bonner@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Review - WRC - 15A NCAC 10B&F

Thanks for sending –

One question: in 10F .0104, on page three, the strikethrough ends midway through (a)(19)(B). Is this intentional?

Otherwise, all of WRC's rules look good to go. Can you refile final versions (with corrected forms) to oah.rules@oah.nc.gov, please?

Thank you again for getting these straightened out. Much appreciated.

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

to third parties.

Burgos, Alexander N

Subject: FW: RRC Review - WRC - 15A NCAC 10B&F
Attachments: 15A NCAC 10F .0102 - Tech.docx; 15A NCAC 10F .0104 - Tech.docx; 15A NCAC 10F .0109 - Tech.docx; Wildlife Resources Commission - 08.2023 - 15A NCAC 10F - Change Requests - WRC Responses.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Monday, August 14, 2023 2:05 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Bonner, Melva G <melva.bonner@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review - WRC - 15A NCAC 10B&F

Lawrence,

Sorry for the delay getting these ones back to you. Our USCG rep has reviewed, so we're good-to-go. Let me know if you have any questions/concerns. Thanks!

F d u h # J x k o d q #

#

Q I F # Z l o d h # J h v r x u f h v # F r p p l v l r q #

R i f h # c # F r q v h y d w l r q # S r d f | # # D q d d v l v #

4 : 8 4 # d w l # G u y h #

U d d i j k / Q F # 5 : 9 3 9 #

R # 4 < 0 : 3 : 0 3 3 4 4 2 F # 4 < 0 9 3 9 0 5 7 4 #

#

[q f z l o d h l r u j #](#)



REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0102

DEADLINE FOR RECEIPT: Thursday, August 10, 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:

*“All”, “any”, “each”, and “every” 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, 9, 10, 28, 30, 34; page 2, line 1; page 4, lines 5, 10, 14, 17. **Changed all but the last one.***

*“Upon”, “applicable” or “if applicable”, “if any”, and “same” should be avoided if possible. These appear on page 1, line 24; page 2, lines 2, 8, 22; page 3, lines 33, 34, and 36; page 4, lines 1, 6, 7, 9, 12, 17, 20, 28, 29, 30, 31. **Not all documentation/documents are needed/issued every time, so if it doesn’t apply to the situation, it’s not required. Not sure how to change some of these.***

*In Subparagraph (a)(4), what does “from an established location” mean? **A place of business. What is WRC’s authority for this requirement? It’s a type of registration we issue. We have this definition because we issue an open registration to operate any vessel for the purposes of demonstrating a boat. We would not want to allow anyone except an actual dealer to obtain this type of registration. In Subparagraph (a)(7), is “for the purpose of” necessary? Nope, removed it. The definition in Subparagraph (a)(10) is vague. Can it be better clarified? Tried.***

*In Subparagraph (b)(6), does it need to state, “of the vessel”, similar to the preceding subparagraph? **Fixed.** In Subparagraph (b)(10), if the requirement is asking for such a concise measurement, should the Rule state whether it is asking for Length Overall (LOA) or Length of the Water Line (LWL)? **Fixed.** In Subparagraph (b)(18), what is the authority for requiring the purchase price of the motor? **75A-35. Does this information assist WRC’s purpose for the regulation? It assists counties with the collection of personal property tax information – they can access this. If not, would this be outside the Agency’s authority? N/A***

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0104

DEADLINE FOR RECEIPT: Thursday, August 10, 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”, “such”, 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, line 7; page 3, lines 1, 6, and 12. Fixed.

“Upon”, “applicable”, and “if any” should be avoided if possible. These appear on page 1, lines 4, 7, and 26. Fixed all but the last one.

In Paragraph (a), beginning with the sentence “The certificate of number shall include the following information:” and continuing through to the end of the Rule, how is this a Rule? Most of it is not. This is an internal policy and does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by WRC. If WRC creates the certificate, why should this be in this Rule? Removed that part of the rule.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0109

DEADLINE FOR RECEIPT: Thursday, August 10, 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 Paragraph (a), instead of stating, "For a period not exceeding 60 days...", would it be clearer if simply stated, "For 60 days..." **Fixed for clarity.***

*If you were to add "The temporary certificate of number shall be signed by the owner of the vessel." to the end of Paragraph (a), could you delete (b) entirely? **Yes.** Again, this is not a rule. The comments above for Rule .0104 apply here as well. **Agreed.***

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: August 4, 2023

1 15A NCAC 10F .0102 is amended with changes as published in 37:19 NCAC 1944 as follows:

2
3 **15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER**

4 (a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all the forms prescribed
5 pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

6 (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its
7 equipment and resulting in:

8 (A) damage by or to the vessel, its equipment, or other property;

9 (B) injury or loss of life to any a person; or

10 (C) the disappearance of any a person from a vessel under circumstances that indicate the
11 possibility of death or injury.

12 A "boating accident" includes capsizing, collision, foundering, flooding, fire, explosion, and the
13 disappearance of a vessel other than by theft.

14 (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.

15 ~~(3)~~ "Charter Fishing Vessel" means a vessel carrying passengers for hire who are engaged in
16 recreational fishing.

17 ~~(3)(4)~~ "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at
18 retail or wholesale from an established location.

19 ~~(4)(5)~~ "Government Agency Vessel" means a vessel owned and operated by the United States or a federal
20 agency, a state, or a subdivision of a state.

21 ~~(5)(6)~~ "Livery Vessel" "Rent or Lease Vessel" means a vessel that is rented or leased by the owners to an
22 individual for a defined period of time.

23 ~~(6)(7)~~ "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing
24 vessels either upon prior commission or for the purpose of sale after manufacture.

25 ~~(7)(8)~~ "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad
26 exclusively for rescue purposes, including rescue training.

27 ~~(8)(9)~~ "Proof of Ownership Document" means a document that provides evidence of ownership, including
28 a Certificate of Number or a Certificate of Title issued by the Commission or any a similar document
29 issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin,
30 or any other another document that establishes ownership.

31 ~~(9)(10)~~ "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel
32 transactions. transactions for certificate of number and certificate of titling requirements in G.S.
33 75A.

34 (b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and
35 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including livery rented and leased
36 vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or
37 manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit

1 rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain
2 subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. ~~Every~~ An owner applying for a
3 certificate of number and certificate of title of a vessel, ~~if applicable~~, shall apply to the Commission or to one of its
4 vessel agents using an application available on the Commission website at ~~www.newwildlife.org~~,
5 www.gooutdoorsnorthcarolina.com. The application shall include the following information:

- 6 (1) the name of the owners;
- 7 (2) the address, telephone number, date of birth, and North Carolina driver license number of the
8 owners;
- 9 (3) the current or previous certificate of number, if applicable;
- 10 (4) the desired period of certificate of number, either one or three years;
- 11 (5) the primary ~~use~~ operation of the vessel:
 - 12 (A) pleasure;
 - 13 (B) ~~livery~~; rent or lease;
 - 14 (C) dealer or manufacturer demonstration;
 - 15 (D) commercial fishing;
 - 16 (E) commercial passenger;
 - 17 (F) other commercial; ~~or~~
 - 18 (G) ~~other~~; charter fishing; or
 - 19 (H) other.
- 20 (6) the ~~model of the vessel~~, model, if known;
- 21 (7) the manufacturer, if known;
- 22 (8) the year of manufacture or model year, if known;
- 23 (9) the manufacturer's hull identification number, if any;
- 24 (10) the overall length of the vessel in feet and inches;
- 25 (11) the type of vessel:
 - 26 (A) ~~open~~; open motorboat;
 - 27 (B) ~~eabin~~; cabin motorboat;
 - 28 (C) houseboat;
 - 29 (D) personal watercraft;
 - 30 (E) pontoon; ~~or~~
 - 31 (F) ~~other~~; air boat;
 - 32 (G) auxiliary sail;
 - 33 (H) inflatable;
 - 34 (I) paddlecraft/canoe;
 - 35 (J) paddlecraft/kayak;
 - 36 (K) rowboat;
 - 37 (L) sail only; or

- 1 (M) other.
- 2 (12) the hull material:
- 3 (A) wood;
- 4 (B) ~~metal;~~ aluminum;
- 5 (C) ~~fiberglass;~~ steel;
- 6 (D) ~~plastic;~~ fiberglass;
- 7 (E) ~~inflatable; or~~ rubber/vinyl/canvas;
- 8 (F) ~~other;~~ plastic; or
- 9 (G) other.
- 10 (13) the type of propulsion:
- 11 (A) ~~inboard;~~ propeller;
- 12 (B) ~~outboard;~~ sail;
- 13 (C) ~~inboard outdrive;~~ water jet;
- 14 (D) ~~sail;~~ manual;
- 15 (E) ~~auxiliary sail with inboard;~~ air thrust; or
- 16 (F) ~~auxiliary sail with outboard; or~~ other.
- 17 ~~(G) jet Drive;~~
- 18 (14) the type of fuel:
- 19 (A) gasoline;
- 20 (B) diesel;
- 21 (C) electric; or
- 22 (D) ~~other;~~ other.
- 23 (15) the engine drive type:
- 24 (A) inboard;
- 25 (B) outboard;
- 26 (C) stern drive;
- 27 (D) pod drive;
- 28 (E) other; or
- 29 (F) none.
- 30 ~~(15)~~(16) a proof of ownership document;
- 31 ~~(16)~~(17) the signature of the owners;
- 32 ~~(17)~~(18) the make of motor if over 25 horsepower, including serial number and purchase price of ~~motor;~~
- 33 motor, if known;
- 34 ~~(18)~~(19) the lien holder name, address, and telephone ~~number;~~ number, if applicable;
- 35 ~~(19)~~(20) the effective lien ~~date;~~ date, if applicable;
- 36 ~~(20)~~(21) the county where vessel is taxed; and
- 37 ~~(21)~~(22) proof of United States Coast Guard documentation, if applicable.

1 (c) Application for certificate of number and certificate of title. The owners shall complete and submit an application
2 for a certificate of number, proof of ownership documents, and applicable required fees to the Commission or one of
3 its vessel agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new
4 or never-before registered vessels. For a period of 60 days following the date of sale, the new owners may use a copy
5 of the proof of ownership document as a temporary certificate of number pending receipt of the original certificate,
6 provided it contains the date of sale. If required, a certificate of title shall be issued and all the reported liens shall be
7 recorded.

8 (d) ~~Livery~~ Rented or Leased Vessel Owners. Upon receipt of a completed application and a copy of the lease or rental
9 agreement form and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a
10 certificate of title.

11 (e) Dealers and Manufacturers of Vessels. Upon receipt of a completed application and fee, the Commission shall
12 issue to the applicant a certificate of number that may be used in connection with the operation of any a vessel in the
13 possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer certificates
14 of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration
15 vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed
16 by dealers or manufacturers for personal use or for any a use other than for demonstration and testing purposes shall
17 be individually registered in the name of the dealer or manufacturer in accordance with the certificate of number
18 requirements of Paragraph (b) of this Rule. Additional dealer or manufacturer certificates of number may be obtained
19 by making application in the same manner as prescribed for the initial certificate with payment of a fee for each
20 additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a) of
21 this Section.

22 (f) Government Agency and Nonprofit Rescue Squad Vessels. Upon receipt of a completed application and proof of
23 ownership documents from a government agency or non-profit rescue squad, the Commission shall issue to the
24 applicant a permanent certificate of number. There shall be no fee for a permanent government agency or non-profit
25 rescue squad certificate of number and the certificate shall be valid until the vessel is transferred to another government
26 agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall
27 not be titled.

28 (g) Commercial Fishing Vessel. The standard application for a certificate of number shall be used for commercial
29 fishing vessels with the term "commercial fishing" marked in the section designated for "primary use." "primary
30 operation of the vessel." Upon receipt of a completed application, proof of ownership document, and fee, the
31 Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

32 (h) Commercial Passenger Vessel. Upon receipt of a completed application, proof of ownership document, and fee,
33 the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

34
35 *History Note: Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17; CFR 174.17;*
36 *Eff. February 1, 1976;*
37 *Amended Eff. August 31, 1980;*

1 *Legislative Objection Lodged Eff. December 16, 1980;*
2 *Amended Eff. July 1, 1988 at ARRC request to cure referenced Legislative Objection;*
3 *Amended Eff. August 1, 2014; May 1, 2007; July 1, 1998; April 1, 1997; November 1, 1993; August*
4 *1, 1988; July 1, 1988;*
5 *Readopted Eff. November 1, ~~2018~~ 2018;*
6 *Amended Eff. September 1, 2023.*
7

1 15A NCAC 10F .0104 is amended as published in 37:19 NCR 1945 as follows:

2
3 **15A NCAC 10F .0104 CERTIFICATE OF NUMBER**

4 (a) General. ~~Upon receipt of a~~ A completed application, a proof of ownership document, and the ~~applicable required~~
5 fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), ~~are necessary for~~ the Commission ~~shall to~~ issue to the
6 ~~applicant~~ a certificate of number authorizing the operation of ~~the a~~ vessel. The certificate of number shall be carried
7 ~~while by the individual~~ operating the vessel and shall be ~~available presented~~ for inspection ~~to any by a~~ law enforcement
8 officer ~~upon request.~~ when requested. The certificate of number shall ~~include the following information;~~ be signed by
9 the owners.

10 (1) ~~the name of the owners, dealer, or manufacturer;~~

11 (2) ~~the address, including zip code, of the primary owners, dealer, or manufacturers;~~

12 (3) ~~the title indicator;~~

13 (4) ~~the certificate of number awarded to vessel;~~

14 (5) ~~the expiration date of the certificate of number;~~

15 (6) vessel use type: ~~[the primary operation of the vessel;]~~

16 ~~[(A) pleasure;]~~

17 ~~[(B) livery; [rent or lease;]~~

18 ~~[(C) [dealer or manufacturer demonstration;]~~

19 ~~[(D) commercial fishing;~~

20 ~~[(E) commercial passenger;~~

21 ~~[(F) other commercial; or~~

22 ~~[(G) other; [charter fishing; or]~~

23 ~~[(H) other.]~~

24 (7) ~~the model of vessel, if known;~~

25 (8) ~~the manufacturer, if known;~~

26 (9) ~~the year of manufacture or model year, if known;~~

27 (10) ~~the manufacturer's hull identification number, if any;~~

28 (11) ~~the overall length of vessel; [vessel in feet and inches;]~~

29 (12) ~~the type of vessel:~~

30 ~~[(A) open; [open motorboat;]~~

31 ~~[(B) cabin; [cabin motorboat;]~~

32 ~~[(C) houseboat;~~

33 ~~[(D) personal watercraft;~~

34 ~~[(E) pontoon; or~~

35 ~~[(F) other; [air boat;]~~

36 ~~[(G) [auxiliary sail;]~~

37 ~~[(H) inflatable;]~~

- 1 [I] — paddlecraft/canoe;
- 2 [J] — paddlecraft/kayak;
- 3 [K] — rowboat;
- 4 [L] — sail only; or
- 5 [M] — other.]
- 6 (13) — the hull material:
- 7 (A) — wood;
- 8 (B) metal; [aluminum];
- 9 (C) fiberglass; [steel];
- 10 (D) plastic; [fiberglass];
- 11 (E) inflatable; or [rubber/vinyl/canvas];
- 12 (F) other; [plastic; or
- 13 [G] — other.]
- 14 (14) — the type of Propulsion: [propulsion:]
- 15 [(A)] inboard; [propeller];
- 16 [(B)] outboard; [sail];
- 17 [(C)] inboard outdrive; [water jet];
- 18 [(D)] sail; [manual];
- 19 [(E)] auxiliary sail with inboard; [air thrust; or
- 20 [(F)] auxiliary sail with outboard; [other.]
- 21 [(G)] jet drive;
- 22 (15) — the type of fuel:
- 23 (A) — gasoline;
- 24 (B) — diesel;
- 25 (C) — electric; [or
- 26 (D) other; [other.]
- 27 [(16) — the engine drive type:]
- 28 [(A) — inboard;
- 29 [(B) — outboard;
- 30 [(C) — stern drive;
- 31 [(D) — pod drive;
- 32 [(E) — other; or
- 33 [(F) — none.]
- 34 (16)(17) a notice to owner that he shall report within 30 days changes of address or ownership, and
- 35 destruction or abandonment of vessel;
- 36 (17)(18) the signature of the owners; and
- 37 (18)(19) a notice to the owner that the operator shall:

1 ~~(A) — always carry this certificate on vessel when in use;~~

2 ~~(B) — report any accident involving injury or death to persons or property damage in excess of~~
3 ~~two thousand dollars (\$2,000.00); and~~

4 ~~(C) stop and render assistance if involved in boating accident.~~

5 (b) Dealers and Manufacturers. A dealer or manufacturer demonstrating or testing a vessel may use a set of dealer
6 numbers and the corresponding dealer certificate of number to operate a vessel held for ~~sale, but only sale~~ for
7 demonstration or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for
8 ~~any a~~ use other than for demonstration and testing purposes shall be individually registered in the name of the dealer
9 in accordance with Paragraph (a) of this Rule.

10 ~~(c) Government agency. There shall be no title indicator or expiration date listed for permanent certificate of numbers.~~

11 ~~(d) Vessel Agents. Vessel dealers, manufacturers, and other businesses that operate from locations within North~~
12 ~~Carolina may be appointed as vessel agents of the Commission and be authorized to issue temporary certificates of~~
13 ~~number for new registrations, transfers of ownership, renewals, and duplicate transactions. All official certificates of~~
14 ~~number shall be processed and mailed from the Commission headquarters. Rules governing the appointment and~~
15 ~~operations of vessel agents are contained in 15A NCAC 10G .0400 WILDLIFE SERVICE AGENTS.~~

16
17 *History Note: Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 C.F.R. 174.19; CFR 174.19;*

18 *Legislative Objection Lodged Eff. December 16, 1980;*

19 *Eff. February 1, 1976;*

20 *Amended Eff. May 1, 2007; July 1, 1998; April 1, 1997; July 1, 1988; August 31, 1980; January 1,*
21 *1980;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
23 *6, 2016;*

24 *Amended Eff. September 1, 2023; November 1, 2018.*
25

1 15A NCAC 10F .0109 is amended with changes as published in 37:19 NCAC 1946 as follows:

2
3 **15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER**

4 (a) When a vessel ~~agent processes the final~~ owner completes a transaction to ~~issue,~~ renew, or replace a certificate of
5 number, or initiates a transaction for a new or transfer ~~a~~ certificate of ~~number or to issue a duplicate certificate of~~
6 number, the ~~new~~ owner shall be issued a temporary certificate of number. For ~~a period not exceeding up to~~ 60 days
7 following the date of the transaction, the vessel may be operated with the temporary certificate of number. The
8 temporary certificate of number shall be signed by the owners.

9 ~~(b) The temporary certificate of number shall contain the following:~~

- 10 (1) ~~the name of issuing wildlife service agent;~~
11 (2) ~~the name and address of the owners, dealer, or manufacturer;~~
12 (3) ~~the title indicator;~~
13 (4) ~~the certificate of number;~~
14 (5) ~~the vessel use type: [primary operation of the vessel:]~~
15 (A) ~~pleasure;~~
16 (B) ~~livery; [rent or lease;]~~
17 (C) ~~dealer or manufacturer; [manufacturer demonstration;]~~
18 (D) ~~permanent; [commercial fishing;]~~
19 (E) ~~commercial fishing; [passenger;]~~
20 (F) ~~commercial passenger; [other commercial;]~~
21 (G) ~~other commercial; [charter fishing;] or~~
22 (H) ~~other; [other.]~~
23 (6) ~~the model of vessel; [the vessel, if known;]~~
24 (7) ~~the manufacturer; [manufacturer, if known;]~~
25 (8) ~~the year of manufacture or model year; [year, if known;]~~
26 (9) ~~the manufacturer's hull identification number; [number, if any;]~~
27 (10) ~~the length of vessel; [vessel in feet and inches;]~~
28 (11) ~~the type of vessel:~~
29 (A) ~~open; [open motorboat;]~~
30 (B) ~~cabin; [cabin motorboat;]~~
31 (C) ~~houseboat;~~
32 (D) ~~personal watercraft;~~
33 (E) ~~pontoon; or~~
34 (F) ~~other; [air boat;]~~
35 (G) ~~auxiliary sail;~~
36 (H) ~~inflatable;~~
37 (I) ~~paddlecraft/canoe;~~

- 1 (J) — paddlecraft/kayak;
- 2 (K) — rowboat;
- 3 (L) — sail only; or
- 4 (M) — other.]
- 5 (12) — the hull material:
- 6 (A) — wood;
- 7 (B) — metal; [aluminum;]
- 8 (C) — fiberglass; [steel;]
- 9 (D) — plastic; [fiberglass;]
- 10 (E) — inflatable; or [rubber/vinyl/canvas;]
- 11 (F) — other; [plastic; or]
- 12 (G) — other.]
- 13 (13) — the type of propulsion:
- 14 (A) — inboard; [propeller;]
- 15 (B) — outboard; [sail;]
- 16 (C) — inboard-outdrive; [water jet;]
- 17 (D) — sail; [manual;]
- 18 (E) — auxiliary sail with inboard; [air thrust; or]
- 19 (F) — auxiliary sail with outboard; or [other;]
- 20 (G) — jet drive;
- 21 (14) — the type of fuel:
- 22 (A) — gasoline;
- 23 (B) — diesel;
- 24 (C) — electric; or
- 25 (D) — other; other.]
- 26 (15) — the engine drive type:
- 27 (A) — inboard;
- 28 (B) — outboard;
- 29 (C) — stern drive;
- 30 (D) — pod drive;
- 31 (E) — other; or
- 32 (F) — none.]
- 33 (15)(16) the date the temporary certificate of number is issued;
- 34 (16)(17) the date the temporary certificate of number expires;
- 35 (17)(18) the type of transaction pending; and
- 36 (18)(19) the signature of the owners.
- 37

1 *History Note: Authority G.S. 75A-3; 75A-5; 33 ~~C.F.R. 174.21~~; CFR 174.21;*
2 *Eff. April 1, 1997;*
3 *Amended Eff. May 1, 2007; July 1, 1998;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
5 *6, 2016;*
6 *Amended Eff. September 1, 2023; November 1, 2018.*
7

Burgos, Alexander N

Subject: FW: RRC Review - WRC - 15A NCAC 10B&F

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

Sent: Friday, August 11, 2023 2:33 PM

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

Cc: Bonner, Melva G <melva.bonner@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Review - WRC - 15A NCAC 10B&F

Carrie – Almost everything looks good so far (except that the rule name on the form for 10B .0113 does not match the rule). Send the remaining rules once USCG has signed off. Otherwise, have a good weekend!

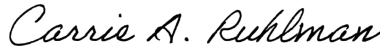
Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:			
2. Rule citation & name (name not required for repeal):			
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION			
4. Rule exempt from RRC review? Yes. Cite authority: No	5. Rule automatically subject to legislative review? Yes. Cite authority: No		
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:			
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact (check all that apply) <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required		
9. REASON FOR ACTION			
9A. What prompted this action? Check all that apply: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </td> </tr> </table>		<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:
<input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:	<input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:		
9B. Explain:			
10. Rulemaking Coordinator: Name: Title: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;">  </div> <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Title:		
RRC AND OAH USE ONLY			
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:			

Burgos, Alexander N

Subject: FW: RRC Review - WRC - 15A NCAC 10B&F

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

Sent: Friday, August 11, 2023 2:33 PM

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

Cc: Bonner, Melva G <melva.bonner@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Review - WRC - 15A NCAC 10B&F

Carrie – Almost everything looks good so far (except that the rule name on the form for 10B .0113 does not match the rule). Send the remaining rules once USCG has signed off. Otherwise, have a good weekend!

Lawrence Duke

Counsel, NC Rules Review Commission

Office of Administrative Hearings

(984) 236-1938

Burgos, Alexander N

From: Ruhlman, Carrie A
Sent: Monday, August 7, 2023 8:36 AM
To: Duke, Lawrence; Bonner, Melva G
Cc: Burgos, Alexander N
Subject: RE: RRC Review - WRC - 15A NCAC 10B&F

Hi Lawrence,

I'll let you know if we have any questions and will get this back to you ASAP.

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#

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

Sent: Friday, August 4, 2023 5:26 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: RRC Review - WRC - 15A NCAC 10B&F

Carrie,

I hope your summer is going well. I know this is exactly the email you wanted at 5:30 on a Friday, but...

Please see attached change requests. Let me know if you have any questions.

Have a good weekend!

Thanks,

Lawrence Duke



Council to the North Carolina Rules Review Commission

Office of Administrative Hearings

Lawrence.Duke@oah.nc.gov

(844) 288-1082

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