

Burgos, Alexander N

Subject: FW: Wildlife Resource Commission RFC: April RRC Meeting

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Thursday, April 25, 2024 3:58 PM

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

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

Subject: RE: Wildlife Resource Commission RFC: April RRC Meeting

Carrie,

Thank you for the prompt and thorough responses. I have reviewed them and anticipate recommending approval of the updated rules. I'll let you know if anything comes up between now and the meeting.

Sincerely,

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: Wildlife Resource Commission RFC: April RRC Meeting
Attachments: 15A NCAC 10A .0501 - TechChange.docx; 15A NCAC 10A .0502 - TechChange.docx; 15A NCAC 10A .0503 - TechChange.docx; 15A NCAC 10C .0205 - TechChange.docx; 15A NCAC 10C .0313 - TechChange.docx; 15A NCAC 10C .0316 - TechChange.docx; 15A NCAC 10C .0801 - TechChange.docx; 15A NCAC 10C .0802 - TechChange.docx; 15A NCAC 10D .0103 - TechChange.docx; 15A NCAC 10H .0101 - TechChange.docx; WRC April 2024 RFC - WRC Responses.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, April 25, 2024 1:55 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Subject: RE: Wildlife Resource Commission RFC: April RRC Meeting

Seth,

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

Carrie Ruhlman

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

ncwildlife.org



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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B, 10C, 10D, 10E

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

Note: These questions apply to multiple rules in the listed subchapters.

Am I correct that G.S. 113-133.1(e) requires the Wildlife Resources Commission to maintain consistency with a variety of listed local laws or former statutes? G.S. 113-133.1(e) doesn't necessarily require WRC to maintain consistency with the local laws listed, it just names the specific local laws that would not be repealed. These local laws prevail over general rules promulgated by the WRC.

If so, can you confirm that these rules are consistent with the requirements of that statute? Our rules are generally applicable, some to specific areas. If those areas have local laws, those laws prevail. We periodically review local laws affecting wildlife resources and make the public is aware of these laws in our annual Regulations Digest.

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

Seth Ascher
Commission Counsel

Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .0501

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

On line 18, consider deleting "therefor"; i.e. "have joined in the request ~~therefor~~ and in the verification". Done.

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .0502

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

*On line 26, consider deleting “for a reason”, i.e. “that the Commission is without power or authority to issue the requested **ruling; ruling for any [a] reason;** or” **Done.***

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10A .0503

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

On p 3., line 2, the history note references repealed statutes. I believe you mean G.S. 150B-4. Fixed.

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0202

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

*It appears that this rule has already received more than ten letters requesting legislative review, which will result in a delayed effective date pursuant to G.S. 150B-21.3. Are there any interconnectivity issues with other rules, such that they should also have a delayed effective date? **No.***

Several public comments have suggested that the changes to bear hunting season could have a substantial economic impact, particularly related to money related to tourism. (see, e.g. Erin Sobe's comment on p. 16 and 17 of the collated letters requesting legislative review.) From the cover sheet and fiscal note, it appears that your agency does not believe that this change will have a substantial economic impact. Please explain how the agency reached this conclusion.

The first segment of the current bear season in the Mountain Bear Management Unit (MBMU) begins on October 16 and runs 5 weeks through November 18. This season has remained unchanged (except for shifts caused by the calendar) since 1972 and was specifically designed to emphasize harvest of male bears over female bears to maximize growth of the bear population. The black bear population in the MBMU has grown immensely since that time under this season framework and is continuing to grow around 4% annually. The current Black Bear Management Plan calls for stabilization of the population and the change to the season framework will help accomplish this goal.

To stabilize the population (i.e. maintain the current bear population level) in the MBMU, additional female bears need to be harvested (current harvest is 37% female/63% male, target harvest is 40% female/60% male). Female bears den earlier than male bears, and so opening the hunting season earlier in October before many female bears have denned will serve to help to meet desired harvest percentages of female bears.

Fall colors typically run from mid-September to mid-November in the MBMU and hunting already occurs during this time. Deer season and bear season already overlap

Seth Ascher

Commission Counsel

Date submitted to agency: April 22, 2024

leaf season. Hunters (both still and those that hunt with dogs) and other outdoor recreationists have coexisted in this space for decades. It is important to note that not all lands are open to hunting – many popular leaf viewing areas are not open to hunting, and hunters tend to frequent more remote places away from trails where other outdoor recreationists are expected to be, though some may be visible on or from roadways.

Tourism and outdoor recreation are significant contributors to North Carolina's economy. Hunting is part of this economic benefit. The Commission does not anticipate that adding 9 days to the beginning of the first segment of the MBMU bear season will affect tourism related to leaf viewing or any other outdoor recreational activity. Nor does the agency believe there will be a substantial influx of bear hunters because of this change. This change is not anticipated to recruit additional hunters or sell more hunting licenses. It is a change that is needed for biological reasons to stabilize growth in the population of black bears in the MBMU. The agency believes potential fiscal impacts are appropriately accounted for in the approved fiscal note.

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0211

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

In paragraph a (line 5), the rule references "taking ring-necked pheasant" but in item b (line 7) the rule references "taking male and female ring-necked pheasant". Is there a reason for this difference? If not, consider on line 7 "taking [~~male and female~~] ring-necked pheasant". Our intent was to make it very clear that on the outer banks, only males can be taken, while on the mainland/remainder of state, it's legal to take males and female pheasants. We prefer to keep the language as-is for clarity.

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0205

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

On p. 5, line 2, "A (A) and B (B)". Fixed.

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0305

DEADLINE FOR RECEIPT: **April 26, 2024**

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

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

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

Note: *For this and many of the fishing rules, I am not sure I understand how creel and possession limits are meant to interact. Rather than going through this exhaustively for each rule, I have broken down this rule in detail. If I've misunderstood, I may have additional questions regarding this rule and others in 10C.*

*Am I correct that the fish specific rules are the specific limits referenced in 15A NCAC 10C .0304? **Yes.***

*If so, am I correct that the general rule for largemouth bass is that you can take up to five a day (15A NCAC 10C .0305(a)) and possess up to fifteen at once (15A NCAC 10C .0304(c))? **Yes. Five/day on the water, up to 15 off the water.***

*Do all size limits only apply to the fish possessed while on the water (15A NCAC 10C .0304(b))? For example, does 15A NCAC 10C .305(b) mean you can only have two fish under 14 inches while fishing, but could take them home and catch another two fish under 14 inches the next day? **Yes, two of the five you catch each day can be under 14 inches.***

*For regions where the daily creel limit is higher than the general rule, is the possession limit also higher? **Yes. On the water, the daily creel limit applies. Off the water the possession limit is three days creel.** For example, does 15A NCAC 10C .0305 (d) mean that you can possess 30 largemouth bass from Lake Cammack or Lake Holt? **As long as you're not on the water.***

*For paragraphs i and j, am I correct that there are no additional limits regarding fish between 14 and 16 inches? **General rule applies – 5/day. All 5 could be any combination of sizes as long as no more than two are less than 14 and none are between 16 and 20 inches.***

Seth Ascher
Commission Counsel

Date submitted to agency: April 22, 2024

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0313

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

*On line 7, paragraph c references paragraph g, but paragraph g does not appear to be identifying waters. Do you mean "except **as for waters** identified"? **This is supposed to be paragraph (f). Fixed. Also, re-worded (g) for clarity as we believe this may be what led to the incorrect citation in the first place.***

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0316

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

In paragraph d, on lines 12, 13, and 17, write out the times. I.e. “6 6:00 a.m.” or “12 12:00 p.m.” Fixed.

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15 NCAC 10C .0801

DEADLINE FOR RECEIPT: April 26, 2024

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

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

*On line 21, add "of this Subchapter", i.e. "in **Section .300 of this Subchapter for**". **Done.***

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

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15 NCAC 10C .0802

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

*On page 1 lines 11 and 34, and page 2 lines 8 and 11; add "of this Subchapter", i.e. "in Sections .0300 and .0400 of this Subchapter for". **Done.***

*On line 16, 15A NCAC 03R .0201 call this this "Central/Southern Management Area". **Done.***

*On p 2., line 14, there are unnecessary spaces in all the listed statutes. I.e. "113-134" not "11 3-134." **Fixed.***

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

Seth Ascher
Commission Counsel

Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15 NCAC 10 D .0103

DEADLINE FOR RECEIPT: April 26, 2024

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

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

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

*On line 36 include a comma after the introductory phrase, "Waterfowl ~~Days~~ **Days,** veterans, as". **Done.***

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0101

DEADLINE FOR RECEIPT: April 26, 2024

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

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

*On line 16, G.S. 113-139 appears to be a repealed statute. Either this is a typo, or you need to include the text of the definition in the rule. **Typo. Fixed.***

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0901

DEADLINE FOR RECEIPT: April 26, 2024

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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 lines 18 through 24, you deleted the information required to obtain a game bird propagation license. Is this information no longer required? Or are the requirements elsewhere in rule or statute? We removed this information because technically, an individual needs a WRC number to purchase a license. The information required to obtain that WRC number is what is listed in this rule. There is no additional information needed to purchase this license.

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

Seth Ascher
Commission Counsel
Date submitted to agency: April 22, 2024

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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1505

DEADLINE FOR RECEIPT: April 26, 2024

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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:

*Is the acronym WCA defined as Wildlife Control Agent somewhere? If not, you need to identify it in the rule. I.e., on line 4 "A **Wildlife Control Agent WCA (WCA)** may". Note that it is not sufficient for it to be in the title only, as titles can be changed separately from the rule. **Yes. The definition is in 10H .1501.***

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

Seth Ascher
Commission Counsel

Date submitted to agency: April 22, 2024

1 15A NCAC 10A .0501 is readopted as published in 38:11 NCR 679 as follows:

2

3 **15A NCAC 10A .0501 WHEN ISSUED**

4 In accordance with G.S. 150B-4 and the procedures set forth in Rule .0503 of this Section, ~~and except as provided in~~
5 ~~Rule .0502 of this Section, a declaratory ruling is authorized to be issued by the Wildlife Resources Commission when~~
6 ~~there is submitted to the Executive Director shall issue a declaratory ruling when a written request signed and verified~~
7 ~~under oath by or on behalf of a person or group of persons of common interest who will be substantially affected in~~
8 ~~their persons, property, public office or employment by such ruling; aggrieved, and which request shows on its face:~~

- 9 (1) that there is ~~an actual~~ a controversy as to the validity of a rule; or that there is a controversy as to
10 the applicability of a specific rule or regulation of the Commission, or of a specific statute
11 administered or enforced by the Commission, to an existing factual situation; or that there is a
12 conflict or inconsistency regarding the interpretation of a specific law or rule adopted by the
13 Commission;
- 14 (2) that ~~every~~ the relevant ~~fact~~ facts and ~~circumstance~~ circumstances necessary to the ruling ~~is~~ are
15 definitively stated and ~~is~~ are conceded by all parties to be a true and existing fact or circumstance
16 for all purposes;
- 17 (3) that ~~all~~ the parties who will be directly or indirectly affected by the ruling, other than the
18 Commission and its agents and employees, have joined in the request therefor and in the verification
19 of the facts therein set forth; and
- 20 (4) that the ruling will be final and determinative of the controversy and binding on ~~all~~ the parties
21 affected thereby, subject only to reversal or modification by a court on direct judicial review as
22 provided by law.

23

24 *History Note: Authority G.S. 150B-4;*
25 *Eff. February 1 1976.1976;*
26 *Readopted Eff. May 1, 2024.*

27

1 15A NCAC 10A .0502 is readopted as published in 38:11 NCR 680 as follows:

2
3 **15A NCAC 10A .0502 WHEN NOT ISSUED**

4 ~~The Wildlife Resources Commission shall not issue A a declaratory ruling will not be issued upon any a request which~~
5 ~~does not comply with the requirements of Rules .0501 and .0503 of this Section, or that is the is not in writing or upon~~
6 ~~the written request of a person or group not aggrieved, who will not be substantially affected, either directly or~~
7 ~~indirectly, in his person, property, public office or employment by the ruling requested;~~ or when it is or becomes
8 apparent from ~~any a~~ source:

- 9 (1) that no ~~actual~~ controversy exists, either ~~as~~ among the respective parties or ~~as~~ between the parties
10 and the Commission, as to the applicability of a specific rule ~~or regulation~~ of the Commission, or of
11 a specific statute administrated or enforced by the Commission, to an existing factual situation;
- 12 (2) that the question to be ruled upon is academic, hypothetical, moot, speculative, or lacking in
13 specificity;
- 14 (3) that ~~any a~~ relevant fact or circumstance necessary to the ruling is controverted, unverified, indefinite
15 as to time or place, or omitted from the request for ruling;
- 16 (4) that the proposed ruling will substantially affect a person, other than an agent or employee of the
17 Commission, who is not a party to the ~~request therefor;~~ request;
- 18 (5) that a case or proceeding involving the substance of the requested ruling is pending before a court
19 or another agency;
- 20 (6) that the requested ruling would not be final and binding on the parties ~~to be~~ affected thereby, subject
21 only to direct judicial review as provided by law;
- 22 (7) that the request for ruling challenges the validity of a statute administered or enforced by the
23 Commission;
- 24 (8) that the requested ruling would require an interpretation of a statute not administered or enforced by
25 the Commission or of a rule, ~~regulation,~~ order, or ordinance of some other governmental agency;
- 26 (9) that the Commission is without power or authority to issue the requested ruling; ruling for any [a]
27 reason; or
- 28 (10) that the request is not made in good faith.
- 29

30 *History Note: Authority G.S. 150B-4;*
31 *Eff. February 1 1976, 1976;*
32 *Readopted Eff. May 1, 2024.*
33

1 15A NCAC 10A .0503 is readopted as published in 38:11 NCR 680 as follows:

3 **15A NCAC 10A .0503 PROCEDURE**

4 (a) ~~Form and Content of Request.~~ A request for a declaratory ruling ~~must be a written communication, specifically~~
5 ~~designated as a "Request for Declaratory Ruling," addressed shall be in writing and sent~~ to the Executive Director,
6 ~~Director of the Wildlife Resources Commission, Archdale Building, 512 North Salisbury Street, Raleigh, North~~
7 ~~Carolina 27611 and must contain the following: Commission at 1701 Mail Service Center, Raleigh, NC 27699-1700~~
8 ~~for U.S. Postal Service delivery, or 1751 Varsity Drive, Raleigh, NC 27606-2576 for other delivery services or in~~
9 ~~person. The request shall contain:~~

- 11 (1) names and addresses of ~~all~~ persons requesting the ruling;
- 12 (2) designation of the person or persons authorized to receive the ruling or ~~any~~ communication relative
- 13 thereto, if different from those requesting;
- 14 (3) statement of ~~all~~ the material facts and circumstances sufficient to show the existence and nature of
- 15 the controversy and the relation of ~~all~~ the parties with respect thereto;
- 16 (4) identification of the specific ~~rule, regulation~~ rule or statute involved ~~by number or substance, or~~
- 17 ~~both;~~
- 18 (5) the specific question to be ruled upon;
- 19 (6) a statement that the substance of the request is not ~~then~~ pending for decision before ~~any~~ a court or
- 20 ~~any other~~ another agency of government;
- 21 (7) signature of ~~all~~ the persons making the request or of one or more authorized representatives of ~~all~~
- 22 such persons, indicating the capacity of such representation; and
- 23 (8) verification by, or on behalf of, ~~all~~ the persons making the request.

24 (b) ~~Form of Verification.~~ The verification of a request for a declaratory ruling ~~must~~ shall be executed before an
25 official authorized to administer oaths, ~~and may be in substance as follows: oaths.~~

27 North Carolina

28 _____ County

29 _____, being duly

30 [name(s)]

31 sworn, says (say) that he is (they are) _____;

32 (capacity)

34 ~~that he has (they have) read the foregoing Request for Declaratory Ruling and understand(s) its contents; and that~~
35 ~~the matters therein stated are true of his (their) own knowledge, except those matters stated on information and~~
36 ~~belief, and as to the matters so stated, he believes (they believe) them to be true.~~

1 _____
2 [signature(s)]

3
4 Subscribed and sworn to before me

5 this _____ day of _____, 19____.

6 _____
7 (signature of official)

8 Title of Official

9 (L.S.)

10
11 (c) ~~Action on Request.~~ The Executive Director shall cause the request for a declaratory ruling to shall be marked or
12 stamped with the date of receipt and, ~~within 60 days thereafter:~~ receipt, and the Commission shall respond to the
13 request as required by G.S. 150B-4(a1).

- 14 (1) ~~deny the ruling in writing, stating the reason or reasons for such denial;~~
15 (2) ~~place the request on the agenda for the next ensuing meeting of the Wildlife Resources Commission;~~
16 (3) ~~issue a ruling in accordance with existing policy of the Commission, in which case the ruling shall~~
17 ~~be deemed that of the Commission; or~~
18 (4) ~~take such other action as he may deem appropriate.~~

19 (d) ~~Form and Content of Ruling.~~ A The Commission's response to a request for a declaratory ruling is a written
20 communication, ~~specifically designated as a "declaratory ruling" (with a number, the substance, or sub-title as may be~~
21 ~~desirable for identification and future reference),~~ addressed to the persons requesting the ruling or to the person or
22 persons authorized in the request to receive the ruling or communications relative thereto, ~~and~~ containing the
23 following:

- 24 (1) reference to the request for declaratory ruling;
25 (2) reference to authority for the ruling; ~~ruling (the statute and these regulations, or the specific action~~
26 ~~of the Commission);~~
27 (3) names and addresses of the persons affected by the ruling, unless it is general in effect and is so
28 indicated;
29 (4) recital of the material facts on which the ruling is based, or reference to the facts as stated in the
30 request;
31 (5) the ruling;
32 (6) date of issue; and
33 (7) signature of Executive Director.

34 (e) ~~Notice of Ruling or Denial of Ruling.~~ Any Δ declaratory ruling issued by the ~~Wildlife Resources~~ Commission or
35 the Executive Director and ~~any~~ the communication denying such a ruling shall be sent by registered mail, ~~"return~~
36 ~~receipt requested,"~~ requested, to the persons requesting the ruling, or to ~~such person or persons as are~~ designated
37 in the request to receive the ruling or communications relative thereto.

1

2 *History Note:* Authority G.S. ~~150B-11; 150B-17;~~ 150B-4;

3 *Eff. February 1, 1976;*

4 *Amended Eff. April 15, ~~1979.~~1979;*

5 *Readopted Eff. May 1, 2024.*

1 15A NCAC 10C .0205 is amended as published in 38:11 NCR 690 as follows:

2
3 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) "Natural bait" means a living or dead plant or animal, or parts thereof, or prepared substances
6 designed to attract fish by the sense of taste or smell.
7 (2) "Single hook" means a fish hook with only one point.
8 (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by a substance that
9 attracts fish by the sense of taste or smell.
10 (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or a similar
11 material to which no additional hook, spinner, ~~spoon~~ spoon, or similar device is added.
12 (5) "Youth anglers" are individuals under 18 years of age.

13 (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- 14 (1) "Public Mountain Trout Waters" are the waters included in this Rule and those designated in 15A
15 NCAC 10D .0104.
16 (2) "Catch and Release Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters
17 where only artificial flies and lures having one single hook may be used. No trout may be possessed
18 or harvested while fishing these streams. Waters with this designation include tributaries unless
19 otherwise noted.
20 (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and
21 one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful
22 to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout
23 while fishing. From 6:00 a.m. until noon on the first Saturday in June, only youth anglers may fish
24 and these waters have no bait or lure restrictions. From noon on the first Saturday in June until
25 October 1, anglers ~~of all ages~~ may fish and these waters ~~have with~~ have with no bait or lure restrictions. Waters
26 with this designation do not include tributaries unless otherwise noted.
27 (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure
28 restrictions. Waters with this designation do not include tributaries unless otherwise noted.
29 (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific
30 regulations apply. Waters with this designation do not include tributaries unless otherwise noted.
31 (6) "Wild Trout Waters" are Public Mountain Trout Waters identified in this Rule or 15A NCAC 10D
32 .0104. Only artificial lures having only one single hook may be used. No person shall possess natural
33 bait while fishing these waters. Waters with this designation do not include tributaries unless
34 otherwise noted.
35 ~~(7) "Wild Trout Natural Bait Waters" are Public Mountain Trout Waters where artificial lures and~~
36 ~~natural baits, except live fish, may be used provided they are fished using only one single hook.~~
37 ~~Waters with this designation include tributaries unless otherwise noted.~~

1 ~~(8)(7)~~ "Undesignated Waters" are the other waters in the State. These waters have no bait or lure
2 restrictions.

3 (c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout are listed in Rule .0316 of this Subchapter.

4 (d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on
5 game lands are designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. The other waters
6 are classified as Undesignated Waters.

7 (1) Alleghany

8 ~~(A)~~ ~~Delayed Harvest Trout Waters are as follows:~~

9 ~~Little River from the S.R. 1133 bridge to 275 yards downstream of the intersection of S.R.~~
10 ~~1128 and S.R. 1129, marked by a sign on both banks~~

11 ~~(B)~~(A) Hatchery Supported Trout Waters are as follows:

12 Big Pine Creek

13 Bledsoe Creek

14 Brush Creek from the N.C. 21 bridge to the confluence with the Little River, except where
15 posted against trespassing

16 Cranberry Creek

17 Glade Creek

18 Little River from ~~275~~ 400 yards ~~downstream~~ upstream of the ~~intersection of~~ S.R. 1128 ~~and~~
19 ~~S.R. 1129, bridge, marked by a sign on both banks, each bank, to McCann Dam~~

20 Meadow Fork

21 Pine Swamp Creek

22 Piney Fork

23 Prathers Creek

24 ~~(C)~~(B) Wild Trout Waters are as follows:

25 The waters located on Stone Mountain State Park

26 (2) Ashe County

27 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:

28 Big Horse Creek from the Virginia state line to Mud Creek at S.R. 1363, excluding
29 tributaries

30 (B) Delayed Harvest Trout Waters are as follows:

31 Big Horse Creek from the S.R. 1324 bridge to the North Fork New River

32 Helton Creek from 900 yards upstream of the S.R. 1372 bridge, marked by a sign on both
33 banks to ~~the North Fork New River~~ a point adjacent to intersection of N.C. 16 and S.R.
34 1536

35 South Fork New River from the upstream end of Todd Island to the S.R. 1351 bridge

36 Trout Lake

37 (C) Hatchery Supported Trout Waters are as follows:

- 1 Beaver Creek from N.C. 221 to the confluence of Beaver Creek and South Beaver Creek
2 Big Horse Creek from Mud Creek at S.R. 1363 to the S.R. 1324 bridge
3 Big Laurel Creek from the S.R. 1315 bridge to the confluence with the North Fork New
4 River
5 Buffalo Creek from the S.R. 1133 bridge to the N.C. 194-88 bridge
6 Cranberry Creek from the Alleghany Co. line to the South Fork New River
7 Nathans Creek
8 North Fork New River from the Watauga Co. line to Sharp Dam
9 Old Fields Creek from N.C. 221 to the South Fork New River
10 Peak Creek from the upper boundary of the NCDA-NCSU Upper Mountain Research
11 Station to Trout Lake
12 Roan Creek
13 Three Top Creek
14 (3) Avery County
15 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
16 Elk River, the portion on Lees-McRae College property, excluding the millpond
17 Lost Cove Creek, the game land portion, excluding Gragg Prong and Rockhouse Creek
18 Wilson Creek, the game land portion
19 (B) Hatchery Supported Trout Waters are as follows:
20 Boyde Coffey Lake
21 Elk River from the S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee
22 state line
23 Linville River from S.R. 1504 to the Blue Ridge Parkway boundary line, except where
24 posted against trespassing
25 Milltimber Creek
26 North Toe River from Watauga St. to Roby Shoemaker Wetlands and Family Recreational
27 Park, except where posted against trespassing
28 North Toe River from S.R. 1164 to Mitchell Co. line, except where posted against
29 trespassing
30 Squirrel Creek
31 Wildcat Lake
32 (C) Wild Trout Waters are as follows:
33 Birchfield Creek
34 Cow Camp Creek
35 Cranberry Creek from the headwaters to the U.S. 19E, N.C. 194, bridge
36 Gragg Prong
37 Horse Creek

- 1 Kentucky Creek
2 North Harper Creek
3 Plumtree Creek
4 Roaring Creek
5 Rockhouse Creek
6 Shawneehaw Creek, the portion adjacent to Banner Elk Greenway
7 South Harper Creek
8 Webb Prong
- 9 (4) Buncombe County
- 10 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
11 Carter Creek, the game land portion
- 12 (B) Hatchery Supported Trout Waters are as follows:
13 Bent Creek from the headwaters to the N.C. Arboretum boundary line
14 Cane Creek from the headwaters to the S.R. 3138 bridge
15 Corner Rock Creek from Little Andy Creek to the confluence with Walker Branch
16 Dillingham Creek from Corner Rock Creek to Ivy Creek
17 Ivy Creek from Dillingham Creek to the U.S. 19-23 bridge
18 Lake Powhatan
19 Reems Creek from Sugar Camp Fork to the U.S. 19-23 bridge, except where posted against
20 trespassing
21 Rich Branch from downstream of the confluence with Rocky Branch
22 Stony Creek
23 Swannanoa from the S.R. 2702 bridge near Ridgecrest to the Wood Avenue bridge, at the
24 intersection of N.C. 81 and U.S. 74A in Asheville, except where posted against trespassing
- 25 (5) Burke County
- 26 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
27 Henry Fork, the portion on South Mountains State Park
- 28 (B) Delayed Harvest Trout Waters are as follows:
29 Jacob Fork from Shiny Creek to the lower South Mountains State Park boundary
- 30 (C) Hatchery Supported Trout Waters are as follows:
31 Carroll Creek, the game land portion above S.R. 1405
32 Henry Fork from the lower South Mountain State Park line to S.R. 1919 at Ivy Creek
33 Linville River, the portion within Linville Gorge Wilderness area and the portion below
34 Lake James powerhouse from the upstream bridge on S.R. 1223 to Muddy Creek
- 35 (D) Special Regulation Trout Waters are as follows:
36 Catawba River from Muddy Creek to the City of Morganton water intake dam
- 37 (E) Wild Trout Waters are as follows:

- 1 The waters located on South Mountains State Park, except those waters identified in Parts
2 **A (A)** and **B (B)** of this Subparagraph
- 3 (6) Caldwell County
- 4 (A) Delayed Harvest Trout Waters are as follows:
5 Wilson Creek, the game land portion below Lost Cove Creek to Philips Branch
- 6 (B) Hatchery Supported Trout Waters are as follows:
7 Boone Fork Pond
8 Buffalo Creek from the mouth of Joes Creek to McCloud Branch
9 Joes Creek from the first falls upstream of S.R. 1574 to the confluence with Buffalo Creek
10 Wilson Creek from Phillips Branch to Brown Mountain Beach Dam, except where posted
11 against trespassing
12 Yadkin River from the Happy Valley Ruritan Community Park to S.R. 1515
- 13 (C) Wild Trout Waters are as follows:
14 Buffalo Creek from the Watauga Co. line to Long Ridge Branch including game land
15 tributaries
16 Joes Creek from the Watauga Co. line to the first falls upstream of the end of S.R. 1574
17 Rockhouse Creek
- 18 (7) Cherokee County
- 19 (A) Hatchery Supported Trout Waters are as follows:
20 Davis Creek from the confluence of Bald Creek and Dockery Creek to Hanging Dog Creek
21 Hyatt Creek from Big Dam Branch to the Valley River
22 Junaluska Creek from Ashturn Creek to the Valley River
23 Shuler Creek from the Joe Brown Hwy, S.R. 1325 bridge, to the Tennessee state line
24 Valley River from S.R. 1359 to the U.S. 19 Business bridge in Murphy
- 25 (B) Special Regulation Trout Waters are as follows:
26 Apalachia Reservoir
- 27 ~~(C) Wild Trout Natural Bait Waters are as follows:
28 Bald Creek, the game land portion
29 Dockery Creek, the game land portion~~
- 30 (8) Clay County
- 31 (A) Delayed Harvest Trout Waters are as follows:
32 Fires Creek from Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area
- 33 (B) Hatchery Supported Trout Waters are as follows:
34 Buck Creek, the game land portion downstream of the U.S. 64 bridge
35 Fires Creek from the foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300
36 Tusquitee Creek from Compass Creek to the lower S.R. 1300 bridge
- 37 (9) Graham County

- 1 (A) Delayed Harvest Trout Waters are as follows:
2 Snowbird Creek from the USFS footbridge at the old railroad junction to USFS Rd. 2579
- 3 (B) Hatchery Supported Trout Waters are as follows:
4 Calderwood Reservoir from Cheoah Dam to the Tennessee state line
5 Cheoah Reservoir
6 Panther Creek from the confluence of Stand Creek and Rock Creek to Lake Fontana
7 Santeetlah Creek from Johns Branch to Lake Santeetlah
8 Snowbird Creek from USFS Rd. 2579 to the S.R. 1127 bridge
9 Stecoah Creek from the upper game land boundary to Lake Fontana
10 Tulula Creek from S.R. 1201 to the lower bridge on S.R. 1275
11 West Buffalo Creek
12 Yellow Creek from Lake Santeetlah hydropower pipeline to the Cheoah River
- 13 (C) Wild Trout Waters are as follows:
14 Little Buffalo Creek
15 South Fork Squally Creek
16 Squally Creek
- 17 ~~(D) Wild Trout Natural Bait Waters are as follows:~~
18 ~~Long Creek, the game land portion~~
- 19 (10) Haywood County
- 20 (A) Delayed Harvest Trout Waters are as follows:
21 West Fork Pigeon River from Queen Creek to the first game land boundary upstream of
22 Lake Logan
- 23 (B) Hatchery Supported Trout Waters are as follows:
24 Cold Springs Creek from Fall Branch to the Pigeon River
25 Jonathan Creek from upstream of the S.R. 1302 bridge to the Pigeon River, except where
26 posted against trespassing
27 Pigeon River from Stamey Cove Branch to the upstream U.S. 19-23 bridge
28 Richland Creek from the Russ Avenue, U.S. 276, bridge to the U.S. 19 bridge
29 West Fork Pigeon River from Tom Creek to Queen Creek, including the game land portion,
30 ~~except Middle Prong Creek~~
- 31 (11) Henderson County
- 32 (A) Delayed Harvest Trout Waters are as follows:
33 North Fork Mills River, the game land portion below the Hendersonville watershed dam
- 34 (B) Hatchery Supported Trout Waters are as follows:
35 Broad River from the end of S.R. 1611 to the Rutherford Co. line
36 Cane Creek from the railroad bridge upstream of the S.R. 1551 bridge to the U.S. 25 bridge
37 Clear Creek from Laurel Fork to S.R. 1582

- 1 Green River from the Lake Summit powerhouse to the game land boundary
2 Hungry River from S.R. 1885 to the Green River
- 3 (12) Jackson County
- 4 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
5 Flat Creek
6 Tuckasegee River, the game land portion upstream of Tanasee Creek Lake, including the
7 Duke Energy powerline corridor
8 Tuckasegee River the portion upstream from the Clark property
- 9 (B) Delayed Harvest Trout Waters are as follows:
10 Tuckasegee River from downstream of the N.C. 107 bridge to the falls located 275 yards
11 upstream of the U.S. 23-441 bridge, marked by a sign on both banks
- 12 (C) Hatchery Supported Trout Waters are as follows:
13 Balsam Lake
14 Bear Creek Lake
15 Cedar Cliff Lake
16 Cullowhee Creek from Tilley Creek to the Tuckasegee River
17 Dark Ridge Creek from Jones Creek to Scott Creek
18 Greens Creek from Greens Creek Baptist Church on S.R. 1370 to Savannah Creek
19 Savannah Creek from Shell Branch to Cagle Branch
20 Scott Creek from Dark Ridge Creek to the Tuckasegee River, except where posted against
21 trespassing
22 Tanasee Creek Lake
23 Tuckasegee River from John Brown Branch to the downstream N.C. 107 bridge
24 Tuckasegee River from the falls located 275 yards upstream of the U.S. 23-441 bridge,
25 marked by a sign on both banks, to the S.R. 1534 bridge at Wilmont
26 Wolf Creek Lake
- 27 (D) Wild Trout Waters are as follows:
28 Gage Creek
29 North Fork Scott Creek
30 Tanasee Creek
31 Whitewater River from Silver Run Creek to the South Carolina state line
32 Wolf Creek except Balsam Lake and Wolf Creek Lake
- 33 ~~(E) Wild Trout Natural Bait Waters are as follows:
34 Chattooga River from the S.R. 1100 bridge to the South Carolina state line~~
- 35 (13) Macon County
- 36 (A) Delayed Harvest Trout Waters are as follows:
37 Nantahala River from Whiteoak Creek to the Nantahala hydropower discharge canal

- 1 (B) Hatchery Supported Trout Waters are as follows:
 2 Burningtown Creek from Left Prong to the Little Tennessee River
 3 Cartoogechaye Creek from downstream of the U.S. 64 bridge to the Little Tennessee River
 4 Cliffside Lake
 5 Cullasaja River from Sequoyah Dam to the U.S. 64 bridge near the junction of S.R. 1672
 6 Nantahala River from Dicks Creek to Whiteoak Creek
 7 Nantahala River from the Nantahala hydropower discharge canal to the Swain Co. line
 8 Queens Creek Lake
- 9 ~~(C) Wild Trout Natural Bait Waters are as follows:~~
 10 ~~Chattooga River from the S.R. 1100 bridge to the South Carolina state line~~
 11 ~~Kimsey Creek~~
 12 ~~Park Creek~~
- 13 (14) Madison County
- 14 (A) Delayed Harvest Trout Waters are as follows:
 15 Big Laurel Creek from the N.C. 208 bridge to the U.S. 25-70 bridge
 16 Shelton Laurel Creek from the N.C. 208 bridge at Belva to the confluence with Big Laurel
 17 Creek
 18 Spring Creek from the N.C. 209 bridge at the Hot Springs city limits to the iron bridge at
 19 end of Andrews Ave.
- 20 (B) Hatchery Supported Trout Waters are as follows:
 21 Big Laurel Creek from Puncheon Fork to the S.R. 1318, Big Laurel Rd., bridge downstream
 22 of Bearpen Branch
 23 Big Pine Creek from the S.R. 1151 bridge to the French Broad River
 24 Little Ivy Creek from the confluence of Middle Fork and Paint Fork at Beech Glen to the
 25 confluence with Ivy Creek at Forks of Ivy
 26 Max Patch Pond
 27 Meadow Fork Creek from Meadow Fork Campground to Spring Creek
 28 Puncheon Fork from Wolf Laurel Branch to Big Laurel Creek
 29 Roaring Fork from Fall Branch to Meadow Fork
 30 Shelton Laurel Creek from the confluence of Big Creek and Mill Creek to the N.C. 208
 31 bridge at Belva
 32 Shut-in Creek
 33 Spillcorn Creek
 34 Spring Creek from the junction of N.C. 209 and N.C. 63 to the confluence with Meadow
 35 Fork
 36 West Fork Shut-in Creek from the lower game land boundary to the confluence with East
 37 Fork Shut-in Creek

- 1 (15) McDowell County
- 2 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
- 3 Newberry Creek, the game land portion
- 4 (B) Delayed Harvest Trout Waters are as follows:
- 5 Catawba River, the portion adjacent to the Marion Greenway
- 6 Curtis Creek, the game land portion downstream of the USFS boundary at Deep Branch
- 7 Mill Creek from the U.S. 70 bridge to the I-40 bridge
- 8 (C) Hatchery Supported Trout Waters are as follows:
- 9 Armstrong Creek from the Cato Holler line downstream to the upper Greenlee line
- 10 Catawba River from the Catawba Falls Campground to the Old Fort Recreation Park
- 11 Little Buck Creek, the game land portion
- 12 North Fork Catawba River from the headwaters to North Cove School at the S.R. 1569
- 13 bridge
- 14 (16) Mitchell County
- 15 (A) Delayed Harvest Trout Waters are as follows:
- 16 Cane Creek from the N.C. 226 bridge to the S.R. 1189 bridge
- 17 North Toe River from the U.S. 19E bridge to the N.C. 226 bridge
- 18 (B) Hatchery Supported Trout Waters are as follows:
- 19 Big Rock Creek from the headwaters to the N.C. 226 bridge at the S.R. 1307 intersection
- 20 Cane Creek from S.R. 1219 to the N.C. 226 bridge
- 21 East Fork Grassy Creek
- 22 Grassy Creek from East Fork Grassy Creek to the mouth
- 23 Little Rock Creek from the Green Creek bridge to Big Rock Creek, except where posted
- 24 against trespassing
- 25 North Toe River from the Avery Co. line to the S.R. 1121 bridge
- 26 (C) Wild Trout Waters are as follows:
- 27 Green Creek from the headwaters to the Green Creek bridge, except where posted against
- 28 trespassing
- 29 Little Rock Creek the portion upstream of the Green Creek bridge, including the tributaries,
- 30 except where posted against trespassing
- 31 Wiles Creek from the game land boundary to the mouth
- 32 (17) Polk County
- 33 (A) Delayed Harvest Trout Waters are as follows:
- 34 Green River from the Fishtop Falls Access Area to the confluence with Cove Creek
- 35 (B) Hatchery Supported Trout Waters are as follows:
- 36 Green River from the mouth of Cove Creek to the natural gas pipeline crossing
- 37 North Pacolet River from Joels Creek to the N.C. 108 bridge

- 1 (18) Rutherford County
2 (A) Hatchery Supported Trout Waters are as follows:
3 Broad River from the Henderson Co. line to the U.S. 64/74 bridge, except where posted
4 against trespassing
5 (19) Stokes County
6 (A) Hatchery Supported Trout Waters are as follows:
7 Dan River from the Virginia state line downstream to a point 200 yards below the end of
8 S.R. 1421
9 (20) Surry County
10 (A) Delayed Harvest Trout Waters are as follows:
11 Ararat River, the portion adjacent to the Ararat River Greenway
12 Mitchell River from 0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge
13 on S.R. 1330
14 (B) Hatchery Supported Trout Waters are as follows:
15 Ararat River from the S.R. 1727 bridge to the N.C. 103 bridge
16 Big Elkin Creek from the dam 440 yards upstream of the N.C. 268 bridge to a point 265
17 yards downstream of N.C. 268, marked by a sign on both banks
18 Fisher River from the Virginia state line to the I-77 bridge
19 Little Fisher River from the Virginia state line to the N.C. 89 bridge
20 Lovills Creek from the U.S. 52 Business bridge to the Ararat River
21 Pauls Creek from the Virginia state line to 0.3 miles below the S.R. 1625 bridge
22 (21) Swain County
23 (A) Delayed Harvest Waters Trout Waters are as follows:
24 Tuckasegee River from the U.S. 19 bridge to the Slope Street bridge
25 (B) Hatchery Supported Trout Waters are as follows:
26 Alarka Creek from the game land boundary to Fontana Reservoir
27 Calderwood Reservoir from Cheoah Dam to the Tennessee state line
28 Cheoah Reservoir
29 Connelly Creek from Camp Branch to the Tuckasegee River
30 Deep Creek from the Great Smoky Mountains National Park Boundary line to the
31 Tuckasegee River
32 Nantahala River from the Macon Co. line to the existing Fontana Lake water level
33 (22) Transylvania County
34 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
35 Davidson River from the headwaters to Avery Creek, excluding Avery Creek, Looking
36 Glass Creek, Grogan Creek, Cedar Rock Creek and John Rock Branch
37 (B) Delayed Harvest Trout Waters are as follows:

- 1 East Fork French Broad River from East Fork Baptist Church to the downstream S.R. 1107
2 bridge
3 Little River from the confluence of Lake Dense to 100 yards downstream of Hooker Falls
4 (C) Hatchery Supported Trout Waters are as follows:
5 Davidson River from Avery Creek to the lower USFS boundary
6 French Broad River from the confluence of the North Fork French Broad River and West
7 Fork
8 French Broad River to the Island Ford Rd., S.R. 1110, Access Area
9 Middle Fork French Broad River from upstream of the U.S. 178 bridge to the French Broad
10 River
11 West Fork French Broad River from S.R. 1312 to confluence with North Fork French
12 Broad River
13 (D) Wild Trout Waters are as follows:
14 The waters located on Gorges State Park
15 Whitewater River from Silver Run Creek to the South Carolina state line
16 (E) ~~Wild Trout Natural Bait Waters are as follows:~~
17 ~~North Fork French Broad River, the game land portion downstream of S.R. 1326~~
18 ~~Thompson River from S.R. 1152 to the South Carolina state line, except where posted~~
19 ~~against trespassing~~
20 (23) Watauga County
21 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
22 Laurel Creek from the confluence of North Fork Laurel Creek and South Fork Laurel Creek
23 to Elk Creek, excluding tributaries
24 Pond Creek from the headwaters to the Locust Ridge Rd. bridge, excluding the pond
25 adjacent to Coffee Lake
26 (B) Delayed Harvest Trout Waters are as follows:
27 Lake Coffey
28 Watauga River from the S.R. 1114 bridge to the Valle Crucis Community Park lower
29 boundary
30 Watauga River from the S.R. 1103 bridge to the confluence with Laurel Creek
31 (C) Hatchery Supported Trout Waters are as follows:
32 Beaverdam Creek from the confluence of Beaverdam Creek and Little Beaverdam Creek
33 to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203
34 Beech Creek
35 Buckeye Creek from Buckeye Creek Reservoir dam to Grassy Gap Creek
36 Buckeye Creek Reservoir
37 Cove Creek from the S.R. 1233 bridge at Zionville to the S.R. 1214 bridge at Sherwood

1 Dutch Creek from the second S.R. 1136 bridge to the mouth
2 Elk Creek from the S.R. 1510 bridge at Triplett to the Wilkes Co. line, except where posted
3 against trespassing
4 Laurel Creek from the S.R. 1123 bridge at the S.R. 1157 intersection to the Watauga River
5 Meat Camp Creek from the S.R. 1340 bridge at the S.R. 1384 intersection to N.C. 194
6 Middle Fork New River from adjacent to the intersection of S.R. 1539 and U.S. 321 to the
7 South Fork New River
8 Norris Fork Creek
9 South Fork New River from the canoe launch 70 yards upstream of U.S. 421 bridge to the
10 lower boundary of Brookshire Park
11 Stony Fork from the S.R. 1500 bridge at the S.R. 1505 intersection to the Wilkes Co. line
12 (D) Wild Trout Waters are as follows:
13 Dutch Creek from the headwaters to the second S.R. 1136 bridge
14 Howard Creek
15 Maine Branch from the headwaters to the North Fork New River
16 North Fork New River from the confluence with Maine Branch and Mine Branch to the
17 Ashe Co. line
18 ~~Watauga River from the Avery Co. line to the S.R. 1580 bridge~~
19 Winkler Creek from the lower bridge on S.R. 1549 to the confluence with the South Fork
20 New River
21 (24) Wilkes County
22 (A) Delayed Harvest Trout Waters are as follows:
23 East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower
24 boundary
25 Elk Creek from the Watauga Co. line to the lower boundary of the Blue Ridge Mountain
26 Club
27 Elk Creek, the portion on Leatherwood Mountains development
28 Reddies River from the Town of North Wilkesboro water intake dam to the confluence
29 with the Yadkin River
30 Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the
31 East Prong Roaring River and Bullhead Creek
32 (B) Hatchery Supported Trout Waters are as follows:
33 Basin Creek from the S.R. 1730 bridge to the confluence with Lovelace Creek
34 Bell Branch Pond
35 Boundary Line Pond
36 Cub Creek from 0.5 miles upstream of the S.R. 2460 bridge to the S.R. 1001 bridge
37 Darnell Creek from the downstream ford on S.R. 1569 to the confluence with the North

- 1 Fork Reddies River
- 2 East Prong Roaring River from the Stone Mountain State Park lower boundary to the ~~S.R.~~
- 3 ~~4002~~ Low Meadows Lane bridge
- 4 Fall Creek from the S.R. 1300 bridge to the confluence with South Prong Lewis Fork,
- 5 except where posted against trespassing
- 6 Middle Fork Reddies River from the headwaters to the bridge on S.R. 1580
- 7 Middle Prong Roaring River from the headwaters to the second bridge on S.R. 1736
- 8 North Fork Reddies River from the headwaters to the Union School bridge on S.R. 1559
- 9 Pike Creek
- 10 Pike Creek Pond
- 11 South Fork Reddies River from the S.R. 1355 bridge to the confluence with the Middle
- 12 Fork Reddies River
- 13 South Prong Lewis Fork from Fall Creek to the U.S. 421 bridge adjacent to the S.R. 1155
- 14 intersection
- 15 (C) Wild Trout Waters are as follows:
- 16 The waters located on Stone Mountain State Park, except East Prong Roaring River from
- 17 Bullhead Creek to the Stone Mountain State Park lower boundary where Delayed Harvest
- 18 Trout Waters regulations apply, and Stone Mountain Creek from the falls at the Alleghany
- 19 Co. line to the confluence with the East Prong Roaring River and Bullhead Creek in Stone
- 20 Mountain State Park where Delayed Harvest Trout Waters regulations apply
- 21 (25) Yancey County
- 22 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:
- 23 South Toe River from the headwaters to Upper Creek
- 24 Upper Creek
- 25 (B) Delayed Harvest Trout Waters are as follows:
- 26 Cane River from Blackberry Ridge Rd. to the downstream boundary of Cane River County
- 27 Park
- 28 (C) Hatchery Supported Trout Waters are as follows:
- 29 Bald Mountain Creek, except where posted against trespassing
- 30 Cane River from Bee Branch, S.R. 1110, to Bowlens Creek
- 31 Price Creek from the junction of S.R. 1120 and S.R. 1121 to Indian Creek
- 32 South Toe River from Clear Creek to the lower boundary line of Yancey Co. Recreation
- 33 Park, except where posted against trespassing
- 34 (D) Wild Trout Waters are as follows:
- 35 Cattail Creek from the bridge at Mountain Farm Community Rd. to the N.C. 197 bridge
- 36 Lickskillet Creek
- 37 Middle Creek from the game land boundary to the mouth

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History Note: Authority G.S. 113-272; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;
October 1, 1992;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,
2003);
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014;
August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May
1, 2007; May 1, 2006; June 1, 2005;
Readopted Eff. August 1, 2019;
Amended Eff. August 1, 2024; August 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020.

1 15A NCAC 10C .0313 is amended with changes as published in 38:11 NCAC 699 as follows:

2
3 **15A NCAC 10C .0313 AMERICAN SHAD AND HICKORY SHAD**

4 (a) The daily creel limit for American and ~~hickory shad~~ Hickory Shad in ~~the~~ aggregate is 10 fish, only one of which
5 may be an American ~~shad~~, Shad, except for waters identified in Paragraphs (d) through (f) of this Rule.

6 (b) There is no minimum size limit.

7 (c) There is no closed season, except for waters identified in Paragraph ~~(e)~~ (f) of this Rule.

8 (d) In the inland waters of the Tar-Pamlico River, Pungo River, Pee Dee River, and their tributaries, the daily creel
9 limit for American and ~~hickory shad~~ Hickory Shad is 10 in ~~the~~ aggregate.

10 (e) In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and ~~hickory shad~~
11 Hickory Shad is 10 in ~~the~~ aggregate, only five of which may be American ~~shad~~, Shad.

12 (f) In ~~all~~ public waters of the Roanoke River upstream of Roanoke Rapids Dam, including Roanoke Rapids Reservoir,
13 Lake ~~Gaston~~ Gaston, and John H. Kerr Reservoir, and their tributaries, and in public waters of the Yadkin-Pee Dee
14 River upstream of Blewett Falls Dam, including Blewett Falls Reservoir, and its tributaries, no American ~~shad~~ Shad
15 may be possessed.

16 (g) ~~The season for taking~~ American and ~~hickory shad~~ Hickory Shad may be taken with dip nets and bow nets ~~is as~~
17 allowed in Rule 10C .0407 from March 1 through April 30.

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19 *History Note: Authority G.S. 113-134; 113-292;*
20 *Eff. November 1, 2013;*
21 *Readopted Eff. August 1, 2019;*
22 *Amended Eff. August 1, 2024; March 15, 2023.*
23

1 15A NCAC 10C .0316 is amended as published in 38:11 NCR 700 as follows:

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

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

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

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

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

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

- 19 (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum
20 size limit, but only one may be greater than 14 inches. There is no closed season.
21 (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the
22 daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

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

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

- 28 (1) Bear Creek Lake;
29 (2) Buckeye Creek Reservoir;
30 (3) Calderwood Reservoir;
31 (4) Cedar Cliff Lake;
32 (5) Cheoah Reservoir;
33 (6) Cliffside Lake;
34 (7) Tanssee Creek Lake;
35 (8) Queens Creek Lake; and
36 (9) Wolf Lake.

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

1 season.

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

3

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

5 *Eff. November 1, 2013;*

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

7 *Readopted Eff. August 1, 2019;*

8 *Amended Eff. August 1, 2024; August 1, 2021; August 1, 2020.*

9

1 15A NCAC 10C .0801 is adopted with changes as published in 38:11 NCAC 700 as follows:

2
3 **SECTION .0800 JOINT FISHING WATERS**

4
5 **15A NCAC 10C .0801 INLAND GAME FISHES DESIGNATED IN JOINT FISHING WATERS**

6 (a) For the purposes of this Rule, the following fishes are classified and designated as inland game fishes in joint
7 fishing waters:

- 8 (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
9 (2) black crappie and white crappie;
10 (3) chain pickerel (jack), muskellunge, and redbfin pickerel;
11 (4) kokanee salmon;
12 (5) mountain trout, including but not limited to brook trout, brown trout, and rainbow trout;
13 (6) Roanoke bass and rock bass (redeye);
14 (7) sauger and walleye; and
15 (8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker),
16 warmouth, and the other species of the sunfish family (Centrarchidae) not specifically listed in this
17 Rule.

18 (b) Inland game fishes shall not be taken by methods other than with hook and line, except that landing nets may be
19 used to land fishes caught on hook and line.

20 (c) Size, creel limits, and seasons for inland game fishes in joint fishing waters shall be the same as those designated
21 in Section .0300 of this Subchapter for inland fishing waters.

22 (d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water
23 unharmed.

24 (e) Inland game fishes taken from joint fishing waters shall not be sold.

25 (f) Individuals may take up to the daily creel limit of those species of inland game fish having a specified creel limit.

26 (g) On the waters being fished, individuals may possess:

- 27 (1) the specified daily creel limit for the [species;] species; and
28 (2) fish conforming to the size limit for the [species; and] species.
29 [(3) — the daily creel limit while fishing or afield.]

30 (h) Individuals may possess [up to three days creel limit at any place.] the daily creel limit while fishing or afield and
31 up to three days creel limit at any other place.

32 (i) No person, while fishing or afield, shall:

- 33 (1) unnecessarily destroy any inland game fish taken from public fishing waters;
34 (2) remove the head or tail or otherwise change the appearance of a game fish having a size limit to
35 render it impracticable to measure its total original length; or
36 (3) change the appearance of a game fish having a daily creel limit to obscure its identification or render
37 it impracticable to count the number of fish in possession.

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History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;
Eff. August 1, 2024.

1 15A NCAC 10C .0802 is adopted with changes as published in 38:11 NCAC 701 as follows:

2
3 **15A NCAC 10C .0802 TAKING AND POSSESSION OF OTHER FISHES BY HOOK AND LINE IN**
4 **JOINT FISHING WATERS**

5 (a) This Rule applies to fish taken by hook and line in joint fishing waters, excluding the species listed in 15A NCAC
6 10C .0801.

7 (b) Landing nets may be used to land fishes caught on hook and line.

8 (c) Set hooks, jug hooks, and trotlines may be used as designated in 15A NCAC 10C .0206 to take fishes in joint
9 fishing waters.

10 (d) Size, creel limits, and seasons for fishes taken by hook and line in joint fishing waters shall be the same as those
11 designated in Sections .0300 and .0400 of this Subchapter for inland fishing waters with the following exceptions:

12 (1) In the joint fishing waters of the Tar-Pamlico River, Pungo River, and their tributaries, the daily
13 creel limit for American and Hickory Shad is 10 in aggregate.

14 (2) In the joint fishing waters of the Cape Fear River and its tributaries, the daily creel limit for
15 American and Hickory Shad is 10 in aggregate, five of which may be American Shad.

16 (3) In the joint fishing waters of the [~~Central-Southern~~ Central/Southern Management Area, as
17 identified in 15A NCAC 03R .0201, size, creel limits, and seasons for striped bass and its hybrids
18 are listed in 15A NCAC 10C .0107.

19 (4) In the joint fishing waters of the Roanoke River Striped Bass Management Area, as identified in
20 15A NCAC 10C .0110(a)(2), which includes the Roanoke, Cashie, Middle, and Eastmost rivers and
21 their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1
22 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to
23 Roanoke Rapids Lake dam. [~~During the open season, the daily creel limit for Striped Bass and its~~
24 hybrids is two fish in aggregate, and the minimum size limit is 18 inches. No fish between 22 inches
25 and 27 inches in length shall be possessed in the daily creel limit. One fish larger than 27 inches
26 may be possessed in the daily creel limit.] ~~During the open season, the daily creel limit for Striped~~
27 Bass and its hybrids is one fish in aggregate, and the minimum size limit is 18 inches. No fish over
28 22 inches in length shall be possessed in the daily creel limit.

29 (5) In designated inland and joint fishing waters of the Albemarle Sound Management Area, as
30 identified in 15A NCAC 10C .0110(a)(1), the Striped Bass fishing season, size limits, and creel
31 limits are the same as those established by rules or proclamations of the Marine Fisheries
32 Commission in adjacent coastal fishing waters.

33 (e) Fishes taken by hook and line in joint fishing waters may be sold except those fishes for which the sale is prohibited
34 in Sections .0300 and .0400 of this Subchapter for inland fishing waters.

35 (f) For fishes taken by hook and line in joint fishing waters, individuals may take up to the daily creel limit of fish
36 having a specified creel limit.

37 (g) On the waters being fished, individuals may possess:

- 1 (1) the specified daily creel limit for the ~~[species;]~~ species; and
2 (2) fish conforming to the size limit for the ~~[species; and]~~ species.
3 ~~[(3) — the daily creel limit while fishing or afield.]~~

4 (h) Individuals may possess ~~[up to three days creel limit at any place.]~~ the daily creel limit while fishing or afield and
5 up to three days creel limit at any other place.

6 (i) No person, while fishing or afield, shall:

7 (1) remove the head or tail or change the appearance of a fish taken by hook and line specified in
8 Sections .0300 or .0400 of this Subchapter as having a size limit, to render it impractical to measure
9 its total original length, except for American Eel as provided in 15A NCAC 10C .0410.

10 (2) change the appearance of a fish taken by hook and line that has a species-specific daily creel limit
11 in Sections .0300 or ~~[.0400;]~~ .0400 of this Subchapter, to obscure its identification or render it
12 impractical to count the number of fish in possession, except for American Eel as provided in 15A
13 NCAC 10C .0410.

14
15 *History Note:* Authority G.S. ~~11-3-134; 11-3-135; 11-3-135.1; 11-3-292;~~ 113-134; 113-135; 113-292;
16 Eff. August 1, 2024.
17

1 15A NCAC 10D .0103 is amended with changes as published in 38:11 NCAC 702 as follows:

2
3 **15A NCAC 10D .0103 GENERAL REGULATIONS REGARDING HUNTING ON GAME LANDS**

4 (a) The following shall be prohibited on game lands:

- 5 (1) hunting on a designated game land while under the influence of ~~alcohol or a narcotic drug; an~~ impairing substance, as defined by G.S. 20-4.01(48b);
6
7 (2) failing to comply with restrictions enacted by the National Park Service regarding the use of the
8 Blue Ridge Parkway where it adjoins game lands;
9 (3) parking a vehicle on game lands in a manner that blocks traffic or gates, or prevents vehicles from
10 using a roadway; and
11 (4) erecting or occupying a tree stand or platform attached by nails, screws, bolts, or to a tree on a game
12 land to hunt. This prohibition does not apply to lag-screw steps or portable stands that are removed
13 after use with no metal remaining in or attached to the tree.

14 (b) Unless allowed by permit, hunting on game lands shall be during the open season for game animals and game
15 birds.

16 (c) Individual game lands or parts of game lands may be closed to hunting or limited to specific dates by this
17 Subchapter.

18 (d) Persons shall hunt with weapons lawful for the open game animal or game bird seasons.

19 (e) On managed waterfowl impoundments, persons shall:

- 20 (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
21 (2) not hunt after 1:00 p.m. on the permitted hunting dates;
22 (3) not set decoys out prior to 4:00 a.m.;
23 (4) remove decoys by 3:00 p.m. daily; and
24 (5) not operate a vessel or vehicle powered by an internal combustion engine.

25 (f) On Sundays, the following shall be prohibited:

- 26 (1) hunting with a firearm between 9:30 a.m. and 12:30 p.m.;
27 (2) the use of a firearm to take deer that are run or chased by dogs;
28 (3) hunting with a firearm within 500 yards of a place of religious worship, as defined by G.S. 14-
29 54.1(b), or an accessory structure thereof; and
30 (4) hunting migratory game birds.

31 (g) On designated Youth Waterfowl ~~Days~~ Days, the following shall apply:

- 32 (1) hunting on managed waterfowl impoundments shall be from one-half hour before sunrise to sunset;
33 (2) Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule; and
34 (3) youth may hunt on a game land and on an impoundment without a special hunt permit, including
35 permit-only areas, except where prohibited in Paragraph (a) of this Rule.

36 (h) On designated Veterans and Military Waterfowl ~~Days~~ Days, veterans, as defined in 38 USC 101, and members of
37 the

1 Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for
2 training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from
3 one-half hour before sunrise to sunset. Subparagraphs (e)(1), (e)(3), and (e)(5) of this Rule shall apply.

4 (i) On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and
5 waterfowl hunting on designated waterfowl hunting days are the activities allowed on the portion of the impoundment
6 outside of the posted "Scouting-only Zone."

7 (j) Definitions:

8 (1) For purposes of this Subchapter, "Dove Only Area" refers to a Game Land on which doves may be
9 taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day,
10 Christmas Day, and New Year's Days within the federally-announced season.

11 (2) For purposes of this Subchapter, "Three Days per Week Area" refers to a Game Land on which
12 game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,
13 Saturdays, Thanksgiving Day, Christmas Day, Veterans Day, Martin Luther **King King, Jr.** Day,
14 and New Year's Days, except for game lands in this Rule that specifically allow hunting on
15 Tuesdays, Thursday, and Fridays. Hunting is not allowed on Christmas Day, Veterans Day, and
16 New Year's Day when these holidays fall on Sunday. Falconry may also be practiced on Sundays.
17 These "open days" also apply to antlerless deer hunting seasons listed for each game land. Raccoon
18 and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and
19 until midnight on Saturdays.

20 (3) For purposes of this Subchapter, "Six Days per Week Area" refers to a Game Land on which game
21 may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday
22 during the open seasons. Falconry may be practiced on Sundays.

23 (4) For purposes of this Subchapter, "Seven Days per Week Area" refers to a Game Land on which
24 game may be taken during the open season on Mondays, Tuesdays, Wednesdays, Thursdays,
25 Fridays, Saturdays, and Sundays.

26 (5) For purposes of this Subchapter, "Four Days per Week Area" refers to a Game Land on which game
27 may be taken during the open seasons and hunting is limited to Tuesdays, Thursdays, Saturdays,
28 Sundays, Labor Day, Veterans Day, Christmas Day, New Year's Day, and Martin Luther **King King,**
29 **Jr.** Day. Raccoon and opossum hunting may continue until 7:00 a.m. on Wednesdays, 7:00 a.m. on
30 Fridays, and 7:00 a.m. on Mondays.

31 (6) For purposes of this Subchapter, "Permit" means a written authorization from the Commission
32 required for take or other activities listed on the permit during open seasons, if applicable, in a
33 specified area and subject to annual limitations imposed by the Commission to meet wildlife, hunter,
34 or land management objectives, unless otherwise specified. Individuals may apply for available
35 permits online at ncwildlife.org, by phone, or in person at a wildlife service agent location. The
36 Commission shall issue permits to applicants selected at random by computer in accordance with

1 G.S. 113-264. Permits shall be non-transferrable. The laws and rules regarding the species or
2 activity shall apply.

3 (7) For the purposes of this Subchapter, "Either-Sex" means antlered or antlerless.

4 (k) Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with
5 dogs is prohibited as described in 15A NCAC 10B .0109.

6 (l) On permit hunts, ~~deer of either sex~~ antlered or antlerless deer may be taken on the hunt dates indicated on the
7 permit. Completed applications shall be received by the Commission not later than the first day of September next
8 preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees
9 prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife
10 cooperator agent or by phone.

11 (m) The following game lands and refuges are closed to hunting except to individuals who have obtained a valid and
12 current permit from the Wildlife Resources Commission:

13 (1) Bertie, ~~Halifax~~ Halifax, and Martin counties—Roanoke River Wetlands;

14 (2) Bertie County—Roanoke River National Wildlife Refuge;

15 (3) Bladen County—Suggs Mill Pond Game Lands;

16 (4) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);

17 (5) Dare County—Roanoke Sound Marshes Game Lands; and

18 (6) Henderson and Transylvania counties—DuPont State Forest Game Lands.

19 (n) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the
20 Commission. Written permission may be granted when entry onto the Waterfowl Refuge shall not compromise the
21 primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need
22 or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of
23 access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

24 ~~(o) Feral swine may be taken by licensed hunters during the open season for a game animal or game bird using a legal
25 manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that
26 allow the use of dogs for hunting deer or bear, and during the open deer or bear season.~~

27 ~~(p)~~(o) The Commission may designate special hunts for participants of the disabled sportsman program by permit.
28 The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall
29 be identified on the permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on the permit.

30 ~~(q)~~(p) As used in the rules of this Subchapter, horseback riding includes all equine species.

31 ~~(r)~~(q) When waterfowl hunting is authorized on Christmas and New Years' Day and those days fall on Sundays, the
32 open waterfowl hunting day shall be the following day.

33
34 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*

35 *Eff. February 1, 1976;*

36 *Temporary Amendment Eff. October 3, 1991;*

37 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September*

1 *1, 1994; July 1, 1994;*
2 *Temporary Amendment Eff. October 1, 1999; July 1, 1999;*
3 *Amended Eff. July 1, 2000;*
4 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
5 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
6 *Temporary Amendment Eff. June 1, 2003;*
7 *Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*
8 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; May 1, 2015; August 1, 2014;*
9 *January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
10 *1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October*
11 *1, 2004;*
12 *Temporary Amendment Eff. August 1, 2018;*
13 *Amended Eff. August 1, 2020; August 1, 2019;*
14 *Temporary Amendment Eff. September 25, 2020;*
15 *Temporary Amendment Eff. August 1, 2021;*
16 *Amended Eff. November 1, 2022; October 1, 2022; August 23, 2022;*
17 *Readopted Eff. August 1, ~~2023-2023~~;*
18 *Amended Eff. August 1, 2024.*
19

1 15A NCAC 10H .0101 is amended as published in 38:12 NCR 817 as follows:

2
3 **SECTION .0100 - CONTROLLED HUNTING PRESERVES FOR DOMESTICALLY RAISED**
4 **WATERFOWL AND GAME BIRDS**

5
6 **15A NCAC 10H .0101 GENERAL REQUIREMENTS**

7 (a) It shall be unlawful to operate a controlled hunting preserve without first obtaining a controlled hunting operator's
8 license from the ~~North Carolina Wildlife Resources Commission (Commission)~~, Commission.

9 ~~(b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the~~
10 ~~following:~~

- 11 (1) ~~Mallard Ducks (in accordance with 50 CFR 21.45);~~
12 (2) ~~Chukar Partridges;~~
13 (3) ~~Hungarian Partridges; and~~
14 (4) ~~Other domestically raised game birds, except Wild Turkey.~~

15 (b) A licensed controlled hunting preserve operator may purchase, possess, propagate, sell, transport, and release
16 domestically raised waterfowl and game birds, as defined in G.S. [113-139(5b), 113-129(5b), and their eggs, subject
17 to limitations in Section .0900 of this Subchapter.

18 (c) The following conditions shall apply to the take of domestically raised waterfowl and game birds on a controlled
19 hunting preserve:

- 20 (1) take shall be by shooting, which may include the use of dogs;
21 (2) there shall be no bag limits or sex restrictions; ~~and~~
22 (3) take shall be authorized from October 1 ~~to~~ through March ~~31~~, 31, ~~except that no domestically raised~~
23 ~~mallard ducks shall be taken on Sundays; and~~
24 (4) domestically raised ~~migratory gamebirds~~ mallard ducks shall be marked by one of the methods
25 provided in 50 CFR 21.45. ~~21.45, all other domestically raised game birds, except Chukar~~
26 ~~Partridges and Hungarian Partridges, shall be individually marked on one leg with a band imprinted~~
27 ~~with the propagator's license number.~~

28 (d) Application for a controlled hunting preserve ~~operator's~~ operator license shall be made ~~on a form available from~~
29 ~~the Commission~~ online at www.newildlife.org www.gooutdoorsnorthcarolina.com or at the Commission headquarters
30 located at 1751 Varsity Drive, Raleigh, NC 27606-2576. The application shall include the following information:

- 31 ~~(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;~~
32 ~~(2)~~(1) ~~The~~ the preserve name and address;
33 ~~(3)~~(2) GPS coordinates of preserve entrance;
34 (3) a property map;
35 ~~(4) The~~ the total preserve acres owned or leased;
36 ~~(5) The name, address, and telephone number of the landowner, if applicable;~~
37 ~~(6)~~(5) The type of preserve; ~~and~~

Burgos, Alexander N

From: Ascher, Seth M
Sent: Monday, April 22, 2024 3:07 PM
To: Ruhlman, Carrie A
Cc: Bonner, Melva G; Burgos, Alexander N
Subject: Wildlife Resource Commission RFC: April RRC Meeting
Attachments: WRC April 2024 RFC.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Wildlife Resources Commission for the April 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Tuesday, April 30, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on April 26, 2024. However, as we discussed on the phone last week, the Commission may not be able to turn around these changes in that timeframe due to other scheduled activities and if you'd like to extend the period of review I would be happy to recommend that the RRC grant that extension.

Seth Ascher

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