

## **Burgos, Alexander N**

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**Subject:** FW: RFC for 15A NCAC 10D .0260  
**Attachments:** 15A NCAC 10D .0260.docx

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Thursday, June 19, 2025 11:13 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Casola, William <william.casola@ncwildlife.gov>; Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>  
**Subject:** FW: RFC for 15A NCAC 10D .0260

Good morning,

It is my intention to recommend approval of the attached revised rule at the June RRC meeting.

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

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

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## Burgos, Alexander N

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**Subject:** FW: RFC for 15A NCAC 10D .0260  
**Attachments:** 15A NCAC 10D .0260.docx

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**From:** Casola, William <william.casola@ncwildlife.gov>  
**Sent:** Thursday, June 19, 2025 8:40 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC for 15A NCAC 10D .0260

Good morning Bill,

We've updated 10D .0260 rule text following our conversation yesterday and after meeting with our land management team.

We removed the ambiguous "Wilson Creek portion" from (4) and now refer directly to the Lutz Tract.

We removed "authorized use" from (6) and refer directly to the uses that are posted on signage at each trailhead.

Please let me know if you have any additional questions.

Thank you,

Will

1 15A NCAC 10D .0260 is amended under temporary procedures with changes as follows:

2  
3 **15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL,**  
4 **HAYWOOD, HENDERSON, MADISON, MCDOWELL, MITCHELL,**  
5 **TRANSYLVANIA, WATAUGA, AND YANCEY COUNTIES**

6 Pisgah ~~game land~~ **Game Land** is a Seven Days per Week Area, in which the following applies:

- 7 (1) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers  
8 Season.
- 9 (2) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke  
10 County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 11 (3) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke  
12 County). Persons engaged in the act of hunting on the Linville River Tract during any open day of  
13 an applicable season for game birds or game animals shall be exempt from this restriction.
- 14 (4) Alcohol and fires are prohibited **on the Lutz Tract (Caldwell County), in the Wilson Creek portion**  
15 **of Pisgah Game Land (Caldwell County)**
- 16 (5) Target shooting is prohibited on the Black Bear (McDowell County), Linville River (Burke County),  
17 and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 18 (6) **[Activities] Entry on the Lutz Tract (Caldwell County) for purposes other than hunting, fishing,**  
19 **trapping, and [authorized] posted use of [posted] trails and parking areas is prohibited. [are**  
20 **prohibited on the Lutz Tract (Caldwell County)].**

21  
22 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*  
23 *Eff. October 1, 2022; 2022.*  
24 *Temporary Amendment Eff. July 1, 2025.*  
25

## **Burgos, Alexander N**

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**Subject:** FW: Telephone call memorialization

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

**Sent:** Wednesday, June 18, 2025 10:58 AM

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

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

**Subject:** Telephone call memorialization

Will,

Thank you for speaking with me today. The following is a memorialization of the topics discussed. If you find it not to be accurate or wish to add anything, please respond to this email.

- The tracts within the Pisgah Game Land (PGL) are owned by either the United States Government or the State of North Carolina. The State land was acquired through the processes of government acquisition controlled by the State Property Office at the Department of Administration. The property is acquired by deed and is reflected on the respective County GIS maps.
- Wilson's Creek is a geographical area within the PGL and the boundary is not set as a tract but rather is an understood area.
- Line 18: That which is an "authorized use" is posted on signage at the trailhead. A trail can be on both state and federal property through its course. Arguably 150B-2(8a)(f) might permit this in lieu of a rule.

Bill

Thank you.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

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**Subject:** FW: RFC for 15A NCAC 10D .0260

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

**Sent:** Tuesday, June 17, 2025 10:23 AM

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

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

**Subject:** RE: RFC for 15A NCAC 10D .0260

Will,

Thank you for your email.

Does the Commission determine the boundaries of the Pisgah Game Land?

Does the Commission determine the boundaries of the named tracts?

Does the Commission determine the boundaries of the “Wilson’s Creek portion”?

What are the “authorized uses” of posted trails? Where is this defined?

Thank you in advance for your prompt reply.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: RFC for 15A NCAC 10D .0260

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**From:** Casola, William <william.casola@ncwildlife.gov>  
**Sent:** Wednesday, June 18, 2025 9:46 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC for 15A NCAC 10D .0260

Yes

My work number if 919-707-0125

Or I can join a Teams meeting at  
<https://teams.microsoft.com/meet/2478469162291?p=bG0KMJCwyi3sMLrTIR>

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, June 18, 2025 9:39 AM  
**To:** Casola, William <[william.casola@ncwildlife.gov](mailto:william.casola@ncwildlife.gov)>  
**Cc:** Ruhlman, Carrie A <[carrie.ruhlman@ncwildlife.gov](mailto:carrie.ruhlman@ncwildlife.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: RFC for 15A NCAC 10D .0260

Will,

Do you have time for a call?

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

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## Burgos, Alexander N

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**Subject:** FW: RFC for 15A NCAC 10D .0260  
**Attachments:** Tech Changes 10D .0260 - Additional Questions.docx

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**From:** Casola, William <william.casola@ncwildlife.gov>  
**Sent:** Wednesday, June 18, 2025 9:36 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: RFC for 15A NCAC 10D .0260

Bill,

Please see the attached responses to your questions.

Thank you,

Will

Wildlife Resources Commission  
6/18/2025  
15A NCAC 10D .0260 – Technical Changes

Additional Questions:

Does the Commission determine the boundaries of the Pisgah Game Land?

The boundaries of Pisgah Game Land are determined by the US Forest Service and the Wildlife Resources Commission. Pisgah Game Land consists of property primarily owned by the US Forest Service and voluntarily enrolled in the Game Land program, but some parcels are owned by the Commission.

Does the Commission determine the boundaries of the named tracts?

Named tracts are determined by the property owner.

Does the Commission determine the boundaries of the “Wilson’s Creek portion?”

The Game Land along Wilson’s Creek consists of property owned by the US Forest Service and property owned by the Commission. The proposed amendments to 10D .0260 regulate recreation on the Lutz Tract, which is owned by the Commission.

What are the “authorized uses” of posted trails? Where is this defined?

There are trailheads on WRC property that connect to trail systems on property we don’t own (e.g., US Forest Service lands) and we don’t want to prevent people from accessing these trails or limiting their ability to recreate on those connecting areas. Trailheads connecting to systems off WRC property list the types of uses that are prohibited.



## **Burgos, Alexander N**

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**Subject:** FW: RFC for 15A NCAC 10D .0260

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

**Sent:** Tuesday, June 17, 2025 10:23 AM

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

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

**Subject:** RE: RFC for 15A NCAC 10D .0260

Will,

Thank you for your email.

Does the Commission determine the boundaries of the Pisgah Game Land?

Does the Commission determine the boundaries of the named tracts?

Does the Commission determine the boundaries of the “Wilson’s Creek portion?”

What are the “authorized uses” of posted trails? Where is this defined?

Thank you in advance for your prompt reply.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

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

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0260 Temporary

**DEADLINE FOR RECEIPT: June 19, 2025**

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

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

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

*Generally, to the Rule: There are various "tracts" named in the rule. In what rule are the tracts defined?*

*The boundaries of individual tracts are not defined in rule, instead maps are publicly available and free of charge on our website. Our constituency is accustomed to referencing maps when recreating on our properties*

*Line 6: Where is "Pisgah" Game Land defined?*

*Game Lands are generally defined in G.S. 113-129 as "Lands owned, allocated to, leased, controlled, or cooperatively managed by the Wildlife Resources Commission." Pisgah Game Land is a national forest owned by the US Forest Service and cooperatively managed by the Commission. Like other state agencies tasked with land management (e.g., NC State Parks, NC Forest Service), the boundaries of individual properties are not defined in rule, instead maps are publicly available and free of charge on our website.*

*Line 11: How are the trails "designated"?*

*Trails are marked on game land maps and posted at their trailhead.*

*Line 11: How does the public know if a trail is designated?*

*Designated trails are marked on game land maps, and our constituency is accustomed to referencing maps when recreating on our properties. The public is generally accustomed to looking at maps and reading signs at recreational properties.*

*Line 18: Define "activities."*

*We have reworded the rule, removing the ambiguous term "activities" and mirroring language currently found in 10D .0102(b).*

William W. Peaslee  
Commission Counsel

Date submitted to agency: June 12, 2025

*Line 18: How is the “use” “authorized? By whom?*

*The Wildlife Resources Commission is the owner of the Lutz tract and as described in 15A NCAC 10D .0102(b), can authorize entry on game lands for purposes other than hunting, trapping, or fishing.*

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

## **Burgos, Alexander N**

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**Subject:** FW: RFC for 15A NCAC 10D .0260

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

**Sent:** Tuesday, June 17, 2025 10:23 AM

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

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

**Subject:** RE: RFC for 15A NCAC 10D .0260

Will,

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Thank you in advance for your prompt reply.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Thursday, June 12, 2025 4:13 PM  
**To:** Ruhlman, Carrie A  
**Cc:** Burgos, Alexander N  
**Subject:** RFC for 15A NCAC 10D .0260  
**Attachments:** 06.2025 - Wildlife Resources Commission Request for Technical Changes - 10D .0260.docx

Good afternoon,

Attached please find the request for changes for the above captioned temporary rule.

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

Bill

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

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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Thursday, June 12, 2025 4:15 PM  
**To:** Rules, Oah  
**Cc:** Burgos, Alexander N; Ruhlman, Carrie A  
**Subject:** 15A NCAC 10C .0325 Temp

Good afternoon,

It is my intention to recommend approval of the above captioned temporary rule as filed at the June RRC meeting.

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

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