

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Per SL 2012-176, the use of excretions from a NC harvested cervid as an attractant to take cervids throughout the state is allowed, however this creates the potential for the prions that cause chronic wasting disease (CWD) to potentially move to uninfected areas.

This rule will prohibit the use of cervid excretions from deer harvested in the area known to have CWD and reduce the potential for further spread of the irreversible disease to unaffected areas of the state, providing necessary protections to the public and the wild cervid population now and in the future. While not known to spread to humans, the CDC does not recommend eating a deer that has tested positive for CWD.

The first confirmed case of CWD in North Carolina was detected on March 31, 2022. At this time, two other cases have been confirmed. The prohibition on possession and use of excretions from hunter harvested deer in the surveillance area is necessary to assist the agency with efforts in the surveillance area to control spread of CWD.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Ashley Pekrul

Phone: 919-707-0014

E-Mail: ashley.pekrul@ncwildlife.org

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0503

DEADLINE FOR RECEIPT: Monday, November 14, 2022

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

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

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

Should "inside a Surveillance Area." be added at the end of the first sentence in Paragraph (a) and at the end of the first sentence in Paragraph (e)? Otherwise, it seems to apply the restriction statewide.

In Paragraph (e), the first letter in both the (1) through (4) list and the (A) through (C) list should not be capitalized. Also, each should end with a semicolon; for the second-to-last, a semicolon and "and"; and the last should retain the period.

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

1 15A NCAC 10B .0503 is proposed for amendment under temporary procedures as follows:

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

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

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

- 11 (1) meat that has been boned out such that no pieces or fragments of bone remain;
- 12 (2) caped hides with no part of the skull or spinal column attached;
- 13 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- 14 (4) cleaned lower jawbones with teeth or cleaned teeth;
- 15 (5) finished taxidermy products and tanned hides; and
- 16 (6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

17 (c) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

18 (d) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the
19 Surveillance area.

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

- 23 (1) Products containing synthetic analogs of cervid excretions and labeled as such.
- 24 (2) Natural substances collected from facilities within North Carolina that have a valid Farmed Cervid
25 License from the North Carolina Department of Agriculture and Consumer Services and are labeled
26 as such.
- 27 (3) Natural deer urine products containing excretions from facilities within North Carolina that have a
28 valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer
29 Services and are labeled as such.
- 30 (4) Natural deer urine products containing excretions from facilities that meet all the following
31 requirements and are labeled as such:
 - 32 (A) Determined to be free of chronic wasting disease (CWD) based on testing by an
33 independent laboratory using a method that may help detect the presence of CWD
34 prions.
 - 35 (B) Complies with a federally approved CWD herd certification program and any federal
36 CWD protocols.

37 (C) Participates in additional herd management requirements as specified by the Wildlife
38 Resources Commission.

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40 *History Note:* *Authority G.S. 113-134; 113-306;*
41 *Temporary Adoption Eff. July 1, 2022.*
42 *Emergency Amendment Eff. September 1, 2022.*
43 *Temporary Amendment Eff. November 25, 2022.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Wildlife Resources Commission
2. Rule citation & name: 15A NCAC 10D .0229 Goose Creek Game Land in Beaufort and Pamlico Counties
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 9/13/22 b. Proposed Temporary Rule published on the OAH website: 9/16/22 c. Public Hearing date: 9/20/22 d. Comment Period: 9/14/22-10/7/22 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 9/14/22 f. Adoption by agency on: 11/3/22 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 12/1/22 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b. Explain: The WRC adopted this rule in February of 2022. The rule was approved by the RRC in August of 2022 and received more than 10 letters of objection. A temporary rule is necessary to manage activities on this game land in the 2022-2023 seasons.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Permanent rulemaking is contrary to public interest, as changes need to be in place for the 2022-2023 hunting seasons. To effectively manage and maintain wildlife resources and to avoid confusion within the regulated public, the agency is adopting this rule under temporary procedures as authorized by G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Ashley Pekrul

Phone: 919-707-0014

E-Mail: Ashley.pekrul@ncwildlife.org

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0229

DEADLINE FOR RECEIPT: Monday, November 14, 2022

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

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

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

Does this rule need the standard language for permit selection criteria and procedure?

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: November 9, 2022

1 15A NCAC 10D .0229 is adopted under temporary procedures as follows:

2
3 **15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES**

4 Goose Creek game land is a Seven Days per Week Area, in which the following applies:

- 5 (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- 6 (2) Except as provided in 15A NCAC 10D .0103 (d)(2), waterfowl in posted waterfowl impoundments shall be
7 taken only on the following days:
- 8 (a) the opening and closing days of the applicable waterfowl seasons;
- 9 (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- 10 (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 11 (3) Beginning on the first open waterfowl season day in October through the end of all waterfowl seasons,
12 waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell
13 Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- 14 (4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except
15 waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are
16 restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- 17 (5) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in
18 areas both designated and posted as camping areas.
- 19 (6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1
20 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- 21 (7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the
22 Beaufort County portion north of NC 33 except for that portion east of Smith Creek and south of Campbell
23 Creek.
- 24 (8) Bear shall not be harvested on Sunday.

25
26 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;*
27 *Temporary Adoption Eff. December 1, 2022.*
28

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Permanent rulemaking is contrary to public interest, as changes need to be in place for the December 2022 bear season. To effectively manage this resources and to avoid confusion within the regulated public, the agency is adopting this rule under temporary procedures as authorized by G.S. 150B-21.1 (7)d, 150B-21.1(a)(7)b.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Carrie Ruhlman

Phone: 919-707-0011

E-Mail: carrie.ruhlman@ncwildlife.org

Agency contact, if any: Ashley Pekrul

Phone: 919-707-0014

E-Mail: Ashley.pekrul@ncwildlife.org

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Monty R. Crump

Title: Chairman

E-Mail: monty@gorockingham.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10D .0232

DEADLINE FOR RECEIPT: Monday, November 14, 2022

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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:

No changes required.

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

Lawrence R. Duke
Commission Counsel

Date submitted to agency: November 9, 2022

1 15A NCAC 10D .0232 is amended under temporary procedures as follows:

2

3 **15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY**

4 Gull Rock is a Seven Days per Week Area, in which the following applies:

5 (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers
6 Season.

7 (2) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:

8 (a) the opening and closing days of the applicable waterfowl seasons;

9 (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

10 (c) Tuesdays and Saturdays of the applicable waterfowl season.

11 (3) Camping is restricted to September 1 through the last day of February and March 31 through May
12 14 in areas designated and posted as camping areas.

13 (4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear Season and
14 the second Saturday, Monday, and Tuesday of the December Bear Season.

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

17 *Eff. October 1, 2022;*

18 *Temporary Amendment Eff. December 1, 2022.*

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