



## ***REVISED AGENDA***

### **N.C. WILDLIFE RESOURCES COMMISSION**

**July 12, 2012, 9:00 a.m.**

**1751 Varsity Drive**

**NCWRC Conference Room, 5<sup>th</sup> Floor**

**Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman David W. Hoyle, Jr.*

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - *Commissioner Tom Berry*

**RECOGNITION OF VISITORS**

**MANDATORY ETHICS INQUIRY** - North Carolina General Statute 138A-15(e) mandates that the Commission Chair shall remind all Commissioners of their duty to avoid conflicts of interest and appearances of conflict under this Chapter, and that the chair also inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the Commission at this time. It is the duty of each Commissioner who is aware of such personal conflict of interest or of an appearance of a conflict, to notify the Chair of the same. *Chairman David Hoyle, Jr.*

**APPROVAL OF MINUTES** - Take action on the May 3, 2012 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members (**EXHIBIT A**)

## **ADMINISTRATION**

**Financial Status Report** - Receive a financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund - *Tommy Clark, Budget Director* (**EXHIBIT B**)

## **SPECIAL RECOGNITION**

**National Fishing and Boating Week Lifetime License Presentation** - Present Lifetime Fishing License to grand prize winner from fishing events held during the 2012 National Fishing and Boating Week – *Chairman Hoyle*

**Break for Photographs**

## **COMMITTEE REPORTS**

**Land Use and Access Committee Report** – *Jim Cogdell, Chairman*

**Migratory Birds, Waterfowl Committee Report** – *Berkley Skinner, Chairman*

**Habitat, Nongame and Endangered Species Committee Report** – *Durwood Laughinghouse, Chairman*

**Youth Engagement Subcommittee Report** – *Dell Murphy, Chairman*

**Committee of the Whole Report**- *David W. Hoyle, Jr., Chairman*

## **DIVISION OF INLAND FISHERIES**

**SPOTLIGHT – Genetics in Fisheries Resource Management** – *Chad Thomas, Coastal Fisheries Supervisor*

**Fisheries and Outreach Activities Update** - Receive a staff update on activities of the Division of Inland Fisheries – *Bob Curry, Inland Fisheries Division Chief*

**2013 – 2014 Fishing Rule Proposals** – Consider staff recommendations for proposed changes in 2013-2014 fishing rules to be presented at state-wide public hearings – *Bob Curry* (**EXHIBIT C**)

## **PROPERTY ISSUES**

**Proposed Memorandum of Understanding, Alleghany County** – Consider a MOU authorizing the construction and maintenance of a pedestrian trail on the Saddle Mountain tract of Mitchell River Game Land in Alleghany County – *Dr. David Cobb, Wildlife Management Division Chief (EXHIBIT D)*

**Proposed Memorandum of Understanding, Mitchell and McDowell counties** – Consider a MOU authorizing the construction and maintenance of pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of NCWRC-Pisgah Game Land in Mitchell and McDowell counties – *Dr. David Cobb (EXHIBIT E)*

**Reciprocal Easement Request, Caldwell County** – Consider a reciprocal access easement on a portion of Buffalo Cove Game Land in Caldwell County – *Dr. David Cobb (EXHIBIT F)*

**Property Exchange Proposal, Burke County** – Consider a property exchange to resolve boundary line encroachments on a portion of Johns River Game Land in Burke County – *Dr. David Cobb (EXHIBIT G)*

## **DIVISION OF WILDLIFE MANAGEMENT**

**Division of Wildlife Management Update** – Receive an update on the activities of the Division of Wildlife Management – *Dr. David Cobb, Wildlife Management Division Chief*

**North Carolina Black Bear Management Plan 2012 – 2022** – Consider staff recommendations for adoption of the *North Carolina Black Bear Management Plan 2012 -2022-* *Dr. David Cobb (EXHIBIT H)*

**Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina** – Consider staff recommendations for adoption of *Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina* – *Dr. David Cobb (EXHIBIT I)*

**2012 – 2013 Webless Migratory Birds, Resident Canada Goose, and Falconry Seasons** – Receive information concerning the status of the mourning dove population, status of the woodcock population, consider federal frameworks, receive results of early season internet comments, and select the 2012 – 2013 seasons and bag limits for webless migratory game birds, resident Canada geese, and falconry – *Dr. David Cobb (EXHIBITS J-1, J-2, J-3, J-4)*

**2013 – 2014 Wildlife Management Rule Proposals** – Consider staff recommendations for proposed changes in the 2013-2014 hunting, nongame, permitting, game land management, and captive cervid rules to be presented at state-wide public hearings – *Dr. David Cobb (EXHIBITS K-1, K-2)*

## **FISCAL NOTES**

**Fiscal Note – Captive Cervid Rules** – Approve the fiscal note for proposed rules pertaining to cervids held in captivity, prior to publication in the *North Carolina Register* – Tommy Clark, Budget Director (**EXHIBIT L**)

**Fiscal Note – 2013 – 2014 Proposed Rules** – Approve the fiscal note for 2013 – 2014 rule proposals, prior to publication in the *North Carolina Register* – Norman Young (**EXHIBIT M**)

## **WATER SAFETY RULES**

**Proposed Amendments to 15A NCAC 10F .0303 – Beaufort County No Wake Zones, Requested by Agency**

Consider adoption of agency request for technical changes to 15A NCAC 10F .0303 (a)(1) – Broad Creek, and (a)(7) – Tranters Creek, to clarify descriptions and add GPS coordinates – Norman Young, Rulemaking Coordinator (**EXHIBIT N-1**)

Consider amendment to (a)(6) – Blounts Creek, to clarify the description and correct the location of markers at the no wake zone on both sides of the Mouth of the Creek Bridge, and also to repeal (a)(2), which should have been repealed when the (a)(6) amendment was adopted – Norman Young (**EXHIBIT N-2**)

Consider an amendment to 15A NCAC 10F .0303(a)(2) that will provide a no wake zone beginning 100 yards north of the Blounts Creek Boating Access Area, shore to shore, and ending 100 yards south of Cotton Patch Landing, shore to shore. The cost of purchase and placement of markers is included as part of the construction budget for the Blounts Creek Boating Access Area - Norman Young (**EXHIBIT N-3**)

**Fiscal Note – Beaufort County Amendments** – Approve the fiscal note for rules changes under 15A NCAC 10F .0303 – Beaufort County, prior to publication in the *North Carolina Register* and public hearing – Norman Young (**EXHIBIT O**)

**TEMPORARY RULES ADOPTION – 15A NCAC 10B .0219 – COYOTE and 15A NCAC 10B .0223 – FERAL SWINE** - Adopt temporary rules for hunting coyote and feral swine, including technical corrections requested by the Rules Review Commission, to provide for implementation of permanent rules already adopted by the NCWRC on May 3, 2012 – Norman Young (**EXHIBIT P**)

**COMMENTS BY CHAIRMAN** – David W. Hoyle, Jr.

**COMMENTS BY EXECUTIVE DIRECTOR** – Gordon Myers

**ADJOURN**



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**COMMENTS BY CHAIRMAN** – David W. Hoyle, Jr.

**COMMENTS BY EXECUTIVE DIRECTOR** – Gordon Myers

**ADJOURN**

## EXHIBIT A

July 12, 2012



### MINUTES May 3, 2012 N. C. Wildlife Resources Commission Meeting Raleigh, North Carolina

The May 3, 2012 meeting of the North Carolina Wildlife Resources Commission was called to order by *Commission Chairman* David W. Hoyle, Jr. at 9:00 a.m. in the Commission Room at Wildlife Resources Commission headquarters in Raleigh.

Commissioner Ray White led the Pledge of Allegiance. Commissioner John Coley gave the invocation.

#### MANDATORY ETHICS INQUIRY AND WELCOME

Chairman Hoyle advised the Commission of the mandatory ethics inquiry as presented in the agenda. Commissioner Jim Cogdell recused himself from discussion and action on a portion of **Exhibit H**, FIA/Whitaker Tract in Halifax County, noting a potential conflict. Commissioner Wes Seegars recused himself from discussion about **Exhibit R**, the fiscal note for captive cervid rules and deer fencing, noting a potential conflict.

Chairman Hoyle then welcomed the Commissioners and visitors present. Absent from the meeting were Joe Barker and Berkley Skinner. Commissioner Mitch St. Clair was present by teleconference. Chairman Hoyle announced that the audio portion of today's meeting is being streamed live and can be heard on the agency website.

### COMMISSIONER ATTENDANCE

Ray White	Tom Berry	Hayden Rogers
Wes Seegars	Mark Craig	John Litton Clark
Durwood Laughinghouse	Jim Cogdell	Steve Windham
David Hoyle, Jr.	Dalton Ruffin	John Coley
Dell Murphy	Mitch St. Clair (teleconference)	Nat Harris

### VISITORS

Richard Woodruff – City of Jacksonville	Ned Jones – NC Trout Unlimited
Mona Padrick – Jacksonville/Onslow Chamber of Comm.	Al Inman – New 14 Carolina
Barbara Ikner – Onslow Co. Commissioner	Wes Blair – Hunter Educator
Theresa L. Carter – Onslow Co. Tourism	Vickie Blair
William H. Keller III – Onslow Co. Commissioner	Harold Dorsett
W.C. Jarman – Onslow Co. Commissioner	Jeff Hudson – Onslow Co. Manager
Ed Mays – NC Handicapped Sportsmen	Stacey Miles – Asst. Dir. EM&HS
Lionell Midgett – Onslow Co. Commissioner	Joe McClees-NC Sporting Dog Assn
David Cotton - Onslow Co. Asst. Mgr.	Karen Beck – USDA & CS

### MINUTES

Commissioner Steve Windham made a motion to approve the January 12, 2012 Wildlife Resources Commission Meeting minutes. The motion was seconded by Commissioner Nat Harris and carried. **The Minutes**, titled **Exhibit A**, are hereby incorporated into the official record of this meeting.

### CORRECTION TO NOVEMBER 10, 2011 MINUTES

Commissioner Dalton Ruffin made a motion to receive into the minutes a correction to the November 10, 2011 Minutes, adding Commissioner Hayden Rogers' name to the list of Commissioners present. The motion was seconded by Steve Windham and carried. **Correction to the November 10, 2011 Minutes**, titled **Exhibit B**, is hereby incorporated into the official record of this meeting.

### PROCLAMATION – 2012 SAFE BOATING WEEK

Colonel Dale Caveny, *Enforcement Division Chief*, read the Proclamation by Governor Beverly E. Perdue designating the week of May 19-25, 2012 as "Safe Boating Week." The Proclamation, **Exhibit C**, was received into the minutes and is incorporated into the official record of this meeting.



### **ADMINISTRATION**

Tommy Clark, *Budget Officer*, gave the financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund as of March 31, 2012, presented in **Exhibit D**. The Operating Fund balance was \$22,191,255.20. The Endowment Fund balance was \$89,438,809.27. **Exhibit D** is hereby incorporated into the official record of this meeting.

### **SPECIAL RECOGNITION HONORING DISTRICT 8 HUNTER EDUCATION SPECIALIST WESLEY T. BLAIR**

Travis Casper, *Hunter Education Coordinator*, recognized Wesley T. Blair of Lenoir, the District 8 Hunter Education Specialist. Casper announced that Blair, in addition to his work with hunter education, has served five active duty deployments as a Naval Reservist. Blair was on deployment and missed being awarded the Outstanding Hunter Education Specialist that was presented at the International Hunter Education Conference in 2011. Casper presented Blair with his award and thanked him for his outstanding service.

### **PARTNERSHIP WITH JACKSONVILLE AND ONSLOW COUNTY FOR BOATING ACCESS AREA ON NEW RIVER**

Erik Christofferson, Engineering Services Division Chief, presented **Exhibit E**, a Memorandum of Agreement to partner with the City of Jacksonville and Onslow County for construction of a Boating Access Area on the New River in Jacksonville that will be operated by the City. The five acre property will hold parking spaces for seventy trailers and thirty cars. The City plans to build a welcome center on the site and will maintain the boating access area after it is constructed. Christofferson welcomed county and city officials including City Manager Dr. Richard Woodruff, county commissioners, and members of the Chamber of Commerce and Tourism. On a motion by Steve Windham and second by Nat Harris the Commission approved the Memorandum of Agreement, which is hereby incorporated into the official record of this meeting. Onslow County and City of Jacksonville officials and Wildlife Resources Commission Chairman David Hoyle, Jr. and Executive Director Gordon Myers signed the Memorandum of Agreement.

A short recess was called so that photographs could be taken. The meeting reconvened at 9:30 am.

### **ENGINEERING SERVICES UPDATE**

Erik Christofferson, *Engineering Services Division Chief*, presented an update about recent Boating Access Area renovations and construction projects. Christofferson announced that construction begins October 1. Fifteen boat ramps have been renovated and five new Boating Access Areas are under construction. Christofferson recognized Mark Hamlett, *Facility Engineer Supervisor*, for his leadership overseeing construction and renovation and obtaining necessary CAMA permits. He introduced Jenny Harris, the agency *Marketing Director*.

### **BOATING AND FISHING ACCESS AREA – TRANSYLVANIA COUNTY**

Erik Christofferson presented a staff recommendation in **Exhibit F** to receive 1.79 acres from the Little River Fire Department in the Town of Penrose to be developed into a Boating and Fishing Access Area on the French Broad River. On a motion by Hayden Rogers and second by Nat Harris, the Commission adopted the request. **Exhibit F** is hereby incorporated into the official record of this meeting.

### **BOATING ACCESS AREA, LENOIR COUNTY**

Erik Christofferson presented in **Exhibit G** a staff request to partner with Lenoir County to construct a Boating Access Area on the Neuse River in Kinston. The boating access area will provide the only public water access in Lenoir County. The motion to adopt was made by Jim Cogdell, seconded by Wes Seegars, and carried. **Exhibit G** is hereby incorporated into the official record of this meeting.

### **INLAND FISHERIES UPDATE**

Bob Curry, *Inland Fisheries Division Chief*, gave an update on the activities of the Division of Inland Fisheries. Curry mentioned a statewide angler survey is being conducted. He announced that the Roanoke River striped bass season is closed, with 87,566 pounds harvested. Curry distributed copies of the 2011 Stocking Summary. The NCWRC sent 70,000 muskellunge fry to Virginia. 700,000 hybrid bass fry were flown to Texas. Curry mentioned some of the recent conservation education activities including the Becoming an Outdoors Woman workshop in Tyrrell County and the recent workshops at the John E. Pechmann Fishing Education Center in Fayetteville.



## **DIVISION OF WILDLIFE MANAGEMENT SPOTLIGHT**

Jeff Marcus, *Wildlife Diversity Program Biologist, Division of Wildlife Management*, presented a spotlight about recommendations for the conservation of priority terrestrial wildlife species and habitats in North Carolina. Marcus mentioned the efforts of municipal and county planners in preserving wildlife habitats through use of the Green Growth Toolbox, which provides recommendations for habitat needs but does not impose regulations or restrictions. Marcus discussed a compendium that is being developed, using the Wildlife Action Plan, more than one thousand scientific papers, an advisory committee and expert review by 31 individuals and organizations. The document, "Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina," identifies conservation recommendations for critical wetland and upland habitats to benefit priority terrestrial species. Emphasis will be placed on encouraging cluster development away from the critical zones, while maintaining connectivity between the zones and providing corridors for wildlife movement away from roads. Marcus told the Commission that the recommendations will be presented in July for possible endorsement by the WRC.

## **PROPERTY ACQUISITIONS**

Dr. David Cobb, *Wildlife Management Division Chief*, presented in **Exhibit H** the staff recommendation to proceed with acquisition projects for which funding have been identified. Commissioner Jim Cogdell recused himself from discussion about and vote on the FIA/Whitaker Tract acquisition. On a motion by Dalton Ruffin and second by Ray White the Commission adopted:

- Carscadden Tract – Caswell County
- Pinch Gut Phase II Tract – Brunswick County
- Raby Farm Tract – Macon County
- Roaring Creek Tract – Avery County
- Carpenter Tract – Scotland County
- Futrell (Fisher) Tract – Scotland County
- Harmon II Tract – Scotland County
- Swain Tract – Brunswick County

On a motion by Steve Windham and second by John Coley, with Jim Cogdell recused, the Commission adopted:

- FIA – Whitaker Tract – Halifax County

**Exhibit H** is hereby incorporated into the official record of this meeting.



#### **EASEMENT REQUEST, RICHMOND COUNTY**

Dr. Cobb presented in **Exhibit I** a request by the N.C. Department of Transportation for an easement on a portion of Sandhills Game Land in Richmond County to facilitate a road construction project. Ray White made a motion to adopt, which was seconded by Nat Harris and carried. **Exhibit I** is hereby incorporated into the official record of this meeting.

#### **TEMPORARY EASEMENT REQUEST, HOKE COUNTY**

Dr. Cobb presented **Exhibit J**, a request from the N.C. Department of Transportation for a temporary construction easement across a portion of Sandhills Game Land in Hoke County to facilitate a bridge replacement project. Durwood Laughinghouse made a motion to adopt the request. The motion was seconded by Jim Cogdell and carried. **Exhibit J** is hereby incorporated into the official record of this meeting.

#### **NCDOT EASEMENT REQUEST, GATES COUNTY**

Dr. Cobb presented **Exhibit K**, a request by NCDOT for an easement across a portion of Chowan Swamp Game Land in Gates County to facilitate a road widening project. The motion to adopt was made by Durwood Laughinghouse, seconded by John Coley, and carried. **Exhibit K** is hereby incorporated into the official record of this meeting.

#### **UTILITY EASEMENT REQUEST, ASHE COUNTY**

Dr. Cobb presented **Exhibit L**, a request by Tim Tracy for a utility easement across a portion of Pond Mountain Game Land in Ashe County to provide electrical service to an adjacent property. Ray White made a motion to adopt, which was seconded by Wes Seegars and carried. The Commission requested that standards for burial depth of electrical lines are established on game lands, along with a verification procedure that the standards have been met. **Exhibit L** is hereby incorporated into the official record of this meeting.

#### **CONSERVATION EASEMENT MODIFICATION REQUEST, CALDWELL COUNTY**

Dr. Cobb presented a request from the Patterson School Foundation in **Exhibit M**, to modify the terms of a conservation easement purchased by the NCWRC and Clean Water Management Trust Fund and located on riparian buffers on the school property in Caldwell County. Modification of the conservation easement will allow the school to conduct organic farming on approximately 40 acres of the riparian buffer. Hayden Rogers made the motion to adopt the modification request. The motion was seconded by John Coley and carried. **Exhibit M** is hereby incorporated into the official record of this meeting.

**REMOVAL FROM AGENDA – PROPOSED MEMORANDA OF UNDERSTANDING  
FOR CONSTRUCTION PROJECTS ON GAME LANDS**

On a motion by Hayden Rogers and second by Jim Cogdell, the Commission voted to remove **Exhibit N** from the agenda pending further research by staff. Exhibit N outlines a proposed MOU authorizing the Conservation Fund to finance construction and maintenance of pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of NCWRC-Pisgah Game Land in Mitchell County, and the Saddle Mountain tract of Mitchell River Game land in Alleghany County.

On a motion by Nat Harris and second by Durwood Laughinghouse, the Commission voted to remove **Exhibit O** from the agenda pending further research by staff. Exhibit O is a proposed MOU from the Pamlico-Tar River Foundation that would allow them to construct and maintain a raised wooden camping platform on the Tar River Game land in Edgecombe County.

**REQUEST FROM UNITED STATES MARINE CORPS, SANDHILLS GAME LAND**

Dr. David Cobb presented an update on a request from the US Marine Corps on behalf of a military contractor, which will allow training of dogs on the Sandhills Game Land. No action by the Commission is necessary.

**WILDLIFE MANAGEMENT UPDATE**

Dr. David Cobb gave an update about the activities of the Division of Wildlife Management. Dr. Cobb announced that CDs provided to each Commissioner contain documents and newsletters of interest. Dr. Cobb announced that the Black Bear Management Plan is available.

**PUBLIC COMMENTS SUMMARY AND ACTION – PROPOSED NIGHT HUNTING  
AND TECHNICAL CORRECTIONS RULES**

Dr. Cobb presented **Exhibit P-1**, a summary of public comments on proposals to allow night hunting of coyotes and feral swine, and administrative changes to remove wild boar from the North Carolina Administrative Code.



Dr. Cobb then presented four proposed rules and amendments in **Exhibit P-2**. The Commission approved the rule proposals with amendments as noted, and authorized the Executive Director to pursue temporary rulemaking for any rules that may be subject to a delayed effective date pursuant to NCGS 150-B – 21.3(b1). **Exhibits P-1 and P-2** are hereby incorporated into the official record of this meeting.

**15A NCAC 10B .0219 COYOTE** – on a motion by Steve Windham and second by Wes Seegars, the rule was adopted as amended. Commissioner Hayden Rogers voted no:  
Coyotes may be taken on private lands by hunting anytime during the day or night. Coyotes may be taken on public lands by hunting from the hours of one-half hour before sunrise until one-half hour after sunset, and one-half hour after sunset until one-half hour before sunrise by permit only.

**15A NCAC 10B .0223 FERAL SWINE** - on a motion by Steve Windham and second by Durwood Laughinghouse, the rule was adopted as amended. Commissioner Hayden Rogers voted no:  
Feral swine may be taken on private lands by hunting any time during the day or night. Feral swine may be taken on public lands by hunting from the hours of one-half hour before sunrise until one-half hour after sunset, and one-half hour after sunset until one-half hour before sunrise by permit only.

Hayden Rogers made a motion to adopt 15A NCAC 10B .0113 and 15A NCAC 10B .0116 with no changes. Steve Windham seconded the motion and it carried:

**15A NCAC 10B .0113 BIG GAME KILL REPORTS:** (a) Upon killing a bear, deer ~~deer, wild bear,~~ or wild turkey and before moving the animal from the site of kill, the successful hunter shall validate the Big Game Harvest Report Card furnished with the big game hunting license by cutting or punching out the validation box that correctly identifies the big game animal harvested. In lieu of the Big Game Harvest Report Card, antlerless deer may be recorded as outlined above on the Bonus Antlerless Deer Harvest Report Card acquired from the Wildlife Resources Commission or a Wildlife Service Agent.

(b) Before any harvested bear, deer ~~deer, wild bear,~~ or wild turkey is skinned, dressed, or dismembered for consumption and within 24 hours of the kill, the animal must be registered with a Wildlife Cooperator Agent or registered through the Electronic Big Game Reporting System. Deer harvested during the urban deer season specified in 15A NCAC 10B .0203(e) shall be registered through the Electronic Big Game Reporting System and shall not be registered with a Wildlife Cooperator Agent. The hunter may field dress the animal at the site of kill or before registering it by bleeding and removing the digestive, respiratory, and circulatory organs; but, the hunter may not mutilate the carcass in a manner that obscures its species identity, age, or sex. When the kill occurs in a remote area, which prevents the animal from being transported as an entire carcass, the animal may be skinned and quartered before being registered. When a hunter harvests a big game animal in a remote area and plans to remain in the remote area for longer than a day, the 24-hour time limit to register the kill is extended until the hunter leaves the area. Upon leaving the remote area, the hunter shall register the kill within 24 hours.

(c) When a hunter registers a kill with a Wildlife Cooperator Agent, the Wildlife Cooperator Agent shall issue an authorization number that includes the date of kill to the big game hunter. The hunter shall record the authorization number given by the Wildlife Cooperator Agent or obtained through the Electronic Big Game Reporting System in the space provided immediately adjacent to the validation box that has been cut or punched out on the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card. The record entered on the Big game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card shall thereafter constitute authorization for the continued possession of the carcass. Possession of a harvested bear, deer ~~deer, wild bear,~~ or wild turkey without the validated Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card where applicable, including the authorization number obtained from a Wildlife Cooperator Agent or through the Electronic Big Game Reporting System is unlawful.

(d) Persons who kill a big game animal and leave it unattended shall identify the carcass with their name, their hunting license number, and the date of kill. Once an unattended animal is registered the animal need only be identified with the authorization number received by registering the kill. It is unlawful for a person to possess a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card on which the species validation box has been cut or punched out, but on which the authorization number received by registering the kill has not been recorded, unless the animal is in the person's possession or is identified as described in this Paragraph and not more than 24 hours have passed since the harvest.

(e) Persons who are by law exempt from the big game hunting license shall obtain a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card for License Exempt Hunters from a Wildlife Service Agent. Upon harvesting a bear, deer ~~deer, wild bear,~~ or wild turkey, the exempt person shall validate the Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card and register the kill as provided by this Rule.

(f) Persons who use special tags issued pursuant to G.S. 113-291.2(e) to validate the harvest of a deer shall follow the tagging and reporting requirements set forth by statute and are not obligated to take any action under this Rule.

**15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT:** (a) Only longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds and crossbows shall be used for taking game.

(b) Only arrows with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, deer ~~deer, wild bear,~~ or wild turkey. Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels, quail, grouse and pheasants. Poisonous, drugged, barbed, or explosive arrowheads shall not be used for taking any game.

(c) Crossbows shall have a minimum pull rated at least 150 pounds. Heads on bolts used with crossbows shall conform to those described for arrows in Paragraph (b) of this Rule.



### **SWINE TRAPPING PERMANENT RULES FOR PUBLIC NOTICE**

On a motion by Wes Seegars and second by Ray White, the Commission approved staff recommendation presented in **Exhibit Q** by Dr. David Cobb, to notice for public comment proposed permanent rules for feral swine trapping under 15A NCAC 10B .0303, and no restrictions on bag limits for feral swine under 15A NCAC 10B .0304. **Exhibit Q** is hereby incorporated into the official record of this meeting.

### **CAPTIVE CERVID RULES FISCAL NOTE REPORT**

Tommy Clark, *Budget Manager*, presented a report in **Exhibit R** concerning fiscal note development for proposed rulemaking pertaining to cervids held in captivity. Commission adoption of the fiscal note at the July WRC meeting will be necessary prior to proposed rule amendments being submitted for public comment.

### **FISCAL NOTE APPROVAL FOR SWINE TRAPPING RULES**

Norman Young, *Rulemaking Coordinator*, presented **Exhibit S**, the fiscal note for proposed swine trapping rulemaking under 15A NCAC 10B .0303 and 10B .0304. Durwood Laughinghouse made a motion to approve the fiscal note. The motion was seconded by Hayden Rogers and carried. **Exhibit S** is hereby incorporated into the official record of this meeting.

### **PROPOSED REPEAL OF PITT COUNTY NO WAKE ZONE WITHDRAWN FROM APPLICATION**

Norman Young presented in **Exhibit T** a summary of a proposal to repeal 15A NCAC 10F .0354(2), that would remove a no wake zone in Pitt County on the Tar River in the vicinity of Seine Beach. The request for repeal of this no wake zone was initiated by local residents with the concurrence of Wildlife Enforcement after investigation showed that water safety hazards have been removed with the closure of the public access facility and swimming area. Pitt County, the original applicant for this no wake zone, agreed to again initiate the application process. After receiving opposition to the proposal at a local public hearing Pitt County withdrew as the applicant for the proposed repeal. Upon a motion by Nat Harris and second by Ray White, the Commission voted not to take action on the proposed repeal, since the application has been withdrawn by Pitt County. The Commission directed Norman Young, *Rulemaking Coordinator*, to notify the Office of Administrative Hearings and the Office of State Budget and Management about withdrawal of the rule proposal and the previously approved fiscal note. **Exhibits T-1, T-2, T-3** are hereby incorporated into the official record of this meeting.

### **NO WAKE ZONE APPROVAL- TOWN OF MOREHEAD CITY**

Norman Young presented **Exhibit U**, a request by the Town of Morehead City for an amendment to 15A NCAC 10F .0330 to establish a no wake zone at the newly constructed Newport River Beach Access Boat Ramp north of the Highway 70 bridge. Steve Windham made a motion to adopt the no wake zone. It was seconded by John Coley and carried. Subject to approval by the Rules Review Commission and codification in the NCAC, the rule will become effective on July 1, 2012. **Exhibit U** is hereby incorporated into the official record of this meeting.

### **APPROVAL OF TECHNICAL CHANGES TO NO WAKE ZONE RULES**

Norman Young presented in **Exhibits V-1, V-2, V-3, V-4 and V-5**, proposed technical changes to no wake zone rules in Granville, Vance, and Warren (15A NCAC 10F. 0311), Warren (15A NCAC 10F .0318), Chowan (15A NCAC 10F .0325), Chatham and Wake (15A NCAC 10F.0345), and Camden (15A NCAC 10F .0352) counties. The technical changes are to clarify rule text and descriptions in the North Carolina Administrative Code as mandated in the Regulatory Reform Act and Executive Order 70. These are not substantive changes and do not require public hearings. A motion to adopt was made by Wes Seegars, seconded by Durwood Laughinghouse, and carried. **Exhibits V-1, V-2, V-3, V-4, and V-5** are hereby incorporated into the official record of this meeting.

### **COMMISSIONER RESIGNATION**

The Commission received into the minutes the letter of resignation by District 4 Commissioner W. Douglas Parsons. Parsons resigned due to a judicial appointment by Governor Beverly Perdue.

### **COMMITTEE REPORTS**

#### **Land Use and Access Committee Meeting Report**

In the absence of former Chair Doug Parsons, Commissioner Chairman David W. Hoyle, Jr. reported that the Land Use and Access Committee met on May 2, 2012. The Committee discussed for the first time proposed alternate uses on game lands in Mitchell, Alleghany and Edgecombe counties. Consideration of Memoranda of Agreement in **Exhibits N and O** therefore was tabled until the Committee has more opportunity to discuss. Hoyle announced that Jim Cogdell has been appointed Chair of the Land Use and Access Committee.



### **Big Game Committee Meeting Report**

Chairman John Litton Clark reported that the Big Game Committee met on May 2, 2012. Discussion was held regarding a proposal to extend Youth Turkey Day to one week but allowing take of only one turkey. More discussion will be held regarding allowing an adult to take more than one youth hunting. Dr. Cobb gave an update to the Committee about brucellosis in feral hogs.

### **Migratory Birds, Waterfowl Committee Meeting Report**

On behalf of Chairman Berkley Skinner, Ray White reported that the Migratory Birds, Waterfowl Committee held a long meeting on May 2. Craig LeSchack of Ducks Unlimited presented an update about the Canada Maritime breeding grounds project. The Division of Wildlife Management presented information to the Committee about hunter attitudes concerning waterfowl zones and updated the Committee about Canada geese in northeastern North Carolina. The Commission adopted a motion from the Migratory Bird, Waterfowl Committee to retain the current Canada goose season of seven days with a one bird limit, to implement a preference point system for tundra swans, and to pursue establishment of two waterfowl season zones divided by Interstate 95. By early June the agency will advise the U.S. Fish and Wildlife Service of the intention to establish two waterfowl season zones. The Commission will vote on the proposal at the August meeting.

### **Joint Marine Resources/CRFL Subcommittee Report**

Chairman Ray White reported that the joint CRFL subcommittee met by teleconference on April 16, 2012. Minutes from the November 29, 2011 meeting were approved. The joint CRFL Committee reviewed multiple year grants and approved funding for four 2010 grants and for seven 2011 grants. Funds will become available on June 30, 2012. Of the nearly \$23 million revenue from the Marine Resources Fund all but approximately two million dollars have been allocated. White announced a symposium showcasing five years of CRFL grant funding that will be held on May 31, 2012 in New Bern.

### **Committee of the Whole Meeting Report**

Chairman David Hoyle, Jr. reported that the Committee of the Whole held a long meeting on May 2. Among discussion was youth involvement in outdoor activities, hunting, fishing and water safety rule proposals, possible captive cervid rule proposals, temporary rulemaking, and adoption of the September public hearing schedule.

### **COMMENTS BY THE CHAIRMAN**

Chairman David W. Hoyle, Jr. thanked Jeff Marcus for presenting the spotlight at today's meeting. Hoyle stated that he is impressed with the Commissioner enthusiasm about involving youth in wildlife activities and their interest in land issues associated with future wildlife conservation. Hoyle wants to hold a Commission retreat to discuss youth involvement, hear from speakers, and to hold a planning session. Hoyle thanked agency staff for their efforts in planning the many meetings held over the past two days.

### **COMMENTS BY THE EXECUTIVE DIRECTOR**

Executive Director Gordon Myers announced that the 2012 Recruit School has been very successful, with nineteen candidates including two women and former members of the military. On April 19 for the first time at a Recruit School the Division Chiefs and Deputy Directors attended and shared agency information, including the role of law enforcement and other agency objectives. Myers gave a short update on legislative activities in forming the budget. The budget will be introduced on May 16, the opening day of the Legislative Session. Targeted budget cuts may be 1.5 to 2 percent. The Legislative Sportsmen's Caucus is invigorated this session, with growing interest in youth recruitment. Myers stated that there may be support for an apprentice license, and also the possible statutory change to provide that a new license will begin when the current license expires. There is interest in another Legislative Day. Chairman Hoyle will talk to Director Myers and to Chris Dillon, *Legislative Liaison*, about Legislative Day.

### **MOTION TO GO INTO CLOSED SESSION**

Pursuant to NCGS 143-318.11(a)(3), Wes Seegars made a motion, seconded by Steve Windham, for the Commission to move into closed session to receive legal advice from Norman Young, *Agency Counsel* regarding a letter from Matthew Altamura, Counsel for Wayne Kindley. The motion carried. At 11:15 a.m. the Commission moved into closed session.

### **RETURN TO OPEN SESSION**

At 11:45 a.m. Wes Seegars made a motion to return to open session. The motion was seconded by Ray White and carried.



**ADJOURNMENT**

There being no further business, Chairman David W. Hoyle, Jr. adjourned the meeting at 11:46 a.m.

All exhibits are incorporated into the official record of this meeting by reference and are filed with the minutes.

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David W. Hoyle, Jr., Chairman

Date

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Gordon Myers, Executive Director

Date

# NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

## YEAR-TO-DATE REVENUES AND EXPENSES

	<u>May 2011</u>	<u>May 2012</u>
Balance July 1	\$ 23,459,611.18	\$ 20,845,004.99
Plus: Receipts to Date	<u>64,402,452.06</u>	<u>63,065,246.39</u>
Balance and Receipts to Date	87,862,063.24	83,910,251.38
Less: Disbursements To Date	<u>71,947,156.85</u>	<u>62,670,812.77</u>
Balance May 31	<u><u>\$ 15,914,906.39</u></u>	<u><u>\$ 21,239,438.61</u></u>

EXHIBIT B  
July 12, 2012

### Summary and Analysis of Expenditure By Purpose - Code 14350, 24350, 24351 and 24352

<u>May 2011</u>				<u>May 2012</u>		
	Authorized Budget 2010-11	Expenditures	% of Budget Expended	Authorized Budget 2011-12	Expenditures	% of Budget Expended
2100 Administration	\$ 10,975,615.00	\$ 7,524,072.40	68.55%	\$ 8,316,122.00	\$ 7,040,063.36	84.66%
2120 Enforcement	22,907,675.00	21,041,984.23	91.86%	21,767,737.00	18,970,595.38	87.15%
2130 Education	5,103,953.00	4,024,420.80	78.85%	4,467,142.00	3,334,794.07	74.65%
2140 Inland Fisheries	8,958,300.00	7,879,160.43	87.95%	9,809,115.00	9,166,723.63	93.45%
2150 Management	18,516,838.00	13,486,550.62	72.83%	16,966,804.00	14,449,815.96	85.17%
2160 Engineering Services	10,653,094.00	9,795,718.41	91.95%	8,326,587.00	7,725,469.02	92.78%
2170 W/Life Fund Receipts	8,332,338.00	8,195,249.96	98.35%	2,403,582.00	1,983,351.35	82.52%
<b>TOTAL</b>	<b>\$ 85,447,813.00</b>	<b>\$ 71,947,156.85</b>	<b>84.20%</b>	<b>\$ 72,057,089.00</b>	<b>\$ 62,670,812.77</b>	<b>86.97%</b>

# NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

## ENDOWMENT FUND YEAR-TO-DATE

	<u>May 2011</u>	<u>May 2012</u>
<b>Balance May 1</b>	\$ 81,733,776.18	\$ 89,801,039.46
Plus: Revenues from Sales	162,006.30	170,051.60
Return on Investment	427,198.20	378,355.75
	<u>82,322,980.68</u>	<u>90,349,446.81</u>
Less: Transfers Out	<u>-</u>	<u>-</u>
<b>Balance May 31</b>	<u><b>\$ 82,322,980.68</b></u>	<u><b>\$ 90,349,446.81</b></u>
<b>Market Value</b>	<b>\$ 88,369,118.92</b>	<b>\$ 100,643,607.45</b>

## Endowment Fund Interest

Sources of Interest Available	Expendable	Non Expendable	Transferred to Operations	Transferred to Capital Projects	Expendable Balance
ADULT Licenses	\$ 10,272,600.66	\$ -	\$ -	\$ -	\$ 10,272,600.66
INFANT Licenses	-	9,240,960.16			\$ -
YOUTH Licenses	-	765,237.50			\$ -
Magazine Subscriptions	278,423.22	-	183,561.00		\$ 94,862.22
Contributions - General	444,537.76	-			\$ 444,537.76
Contributions - Diversity	21.96				\$ 21.96
<b>TOTAL</b>	<b>\$ 10,995,583.60</b>	<b>\$ 10,006,197.66</b>	<b>\$ 183,561.00</b>	<b>\$ -</b>	<b>\$ 10,812,022.60</b>

### 2011-12 Budgeted Obligated

Allocation of Endowment Interest - Sportsman Fund	3,609,567.14
Allocation of Endowment Interest - Magazine Fund	183,561.65
	<u><b>\$ 3,793,128.79</b></u>

### 2011-12 Transferred To Date

To Sportsman Fund	-
To Magazine Fund	183,561.00
To Capital Projects	-
	<u><b>\$ 183,561.00</b></u>

# EXHIBIT C

July 12, 2012

## PROPOSED CHANGES IN FISHING REGULATIONS FOR 2013-2014 RECOMMENDED BY AGENCY STAFF FOR PUBLIC NOTICE AND PRESENTATION AT NINE PUBLIC HEARINGS

### Trout

- 1) South Fork New River (Ashe County) – Designate approximately 1.0 mile of the South Fork New River in Ashe County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 7 and 18)*

- 2) Big Elkin Creek (Surry County) – Designate approximately 0.4 mile of Big Elkin Creek in Surry County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 12)*

- 3) South Fork New River (Watauga County) – Designate 1.0 mile of the South Fork New River in Watauga County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 13)*

- 4) Fires Creek (Clay County) – Reclassify 2.2 miles of Fires Creek in Clay County from Wild Trout Waters to Delayed Harvest Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 9 and 18)*

- 5) Big Snowbird Creek (Graham County) – Reclassify 2.8 miles of Big Snowbird Creek in Graham County from Hatchery Supported Trout Waters to Delayed Harvest Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 10 and 18)*

- 6) Reclassify the tributaries of 19 Hatchery Supported Trout Waters on Commission game lands from Hatchery Supported Trout Waters to Wild Trout Waters unless otherwise classified. The Hatchery Supported Waters are: Elk River in Avery County; Corner Rock Creek and Bent Creek in Buncombe County; Carroll Creek and Linville River in Burke County; Hyatt Creek and Junaluska Creek in Cherokee County; Santeetlah Creek, (Big) Snowbird Creek, and Panther Creek in Graham County; Cold Springs Creek in Haywood County; Burningtown Creek and Cullasaja River in Macon County; Shut-in Creek, Roaring Fork, and Spillcorn Creek in Madison County; Little Buck Creek in McDowell County; Connelly Creek in Swain County; and West Fork French Broad River in Transylvania County.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 8-13)*

- 7) North Fork New River (Watauga County) – Reclassify 1.5 miles of North Fork New River in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (pages 13 and 16)*
- 8) Maine Branch (Watauga County) – Reclassify 1.0 mile of Maine Branch in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (pages 13 and 16)*
- 9) Howard Creek (Watauga County) – Reclassify 6.0 miles of Howard Creek in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (pages 13 and 16)*
- 10) Nantahala River (Macon County) – Reclassify the portion of the upper Nantahala River and its tributaries on Commission game lands from Wild Trout Waters to Wild Trout/Natural Bait Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 19)*
- 11) Richland Creek (Haywood County) – Modify the lower boundary of Hatchery Supported Trout Waters on Richland Creek in Haywood County, adding 0.3 mile to Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 10)*
- 12) Cane Creek (Henderson County) – Modify the upper boundary of Hatchery Supported Trout Waters on Cane Creek in Henderson County, adding 0.3 mile to Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 10)*
- 13) Brush Creek (Alleghany County) – Modify the upper boundary of Hatchery Supported Trout Waters on Brush Creek, Alleghany County, removing approximately 2.0 miles of Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 7)*
- 14) Buffalo Creek (Ashe County) – Modify the upper boundary of Hatchery Supported Trout Waters on Buffalo Creek, Ashe County, removing approximately 2.0 miles of Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 7)*

- 15) Green River (Henderson County) – Modify the Hatchery Supported Trout Waters section of the Green River in Henderson County by removing 2.1 miles from Public Mountain Trout Waters, allowing 2.4 miles on Commission game lands to default to Wild Trout Waters, and maintaining a popular 0.3-mile section below Lake Summit as Hatchery Supported Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 10)*
- 16) Clear Creek (Henderson County) – Modify the upper boundary of Hatchery Supported Trout Waters on Clear Creek in Henderson County, removing 0.3 miles from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 10)*
- 17) South Fork Reddies River (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on South Fork Reddies River in Wilkes County, removing 3.0 miles from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 14)*
- 18) South Prong Lewis Fork (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on South Prong Lewis Fork in Wilkes County, removing 2.0 miles from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 14)*
- 19) Fall Creek (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on Fall Creek in Wilkes County, removing 4.0 miles from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 14)*
- 20) Watauga River (Watauga County) – Modify the lower boundary of Wild Trout Waters on Watauga River in Watauga County, removing approximately 0.3 miles from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 16)*
- 21) Pine Swamp Creek (Ashe County) – Remove 4.0 miles of Pine Swamp Creek in Ashe County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 8)*
- 22) Mill Creek (Ashe County) – Remove 3.0 miles of Mill Creek in Ashe County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain (page 8)*

- 23) Yellow Creek (Graham County) – Remove 6.8 miles of Yellow Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.8 miles on Commission game lands will default to Wild Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 9)*

- 24) Mountain Creek (Graham County) – Remove 5.2 miles of Mountain Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.4 mile on Commission game lands will default to Wild Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 10)*

- 25) Shoal Creek (Jackson County) – Remove approximately 0.1 mile of Shoal Creek in Jackson County from Public Mountain Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 15 and 19)*

- 26) West Fork Tuckasegee River (Jackson County) – Remove 3.3 miles of the West Fork Tuckasegee River in Jackson County from Public Mountain Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (pages 15 and 19)*

- 27) East Prong Roaring River (Alleghany County) – Clarify that East Prong Roaring River in Alleghany County should not be listed as Public Mountain Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 7)*

- 28) Little Buffalo Creek (Graham County) – Clarify that Little Buffalo Creek in Graham County should not be listed as Hatchery Supported Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 9)*

- 29) East Prong Roaring River (Wilkes County) – Clarify the boundaries for Hatchery Supported Trout Waters and Delayed Harvest Trout Waters on East Prong Roaring River in Wilkes County.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain (page 13)*

## **Black Bass**

- 1) Clarify the general statewide limits for black bass in the NCAC by incorporating the statewide exception listed in 15A NCAC 10C .305(b)(7) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 23 and 24)*

- 2) Santeetlah Reservoir – Establish an exception to the general statewide limits for black bass in Santeetlah Reservoir by removing the daily creel limit for black bass less than 14 inches minimum size limit. The creel limit for black bass greater than 14 inches will remain five fish in combination.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 23 and 26)*

- 3) Establish the general statewide limits for black bass (a five-fish daily creel limit with a minimum size limit of 14 inches allowing two fish to be retained in the daily creel limit that are less than 14 inches) in these waters: Lake Luke Marion in Moore County; Reedy Creek Park lakes in Mecklenburg County; Lake Rim in Cumberland County; Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, and all their tributaries; South Yadkin River downstream of Cooleemee Dam; and the Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 24)*

## **Striped Bass and Hybrid Striped Bass**

- 1) Clarify the general statewide limits for striped bass and hybrid striped bass in the NCAC by incorporating the statewide exception listed in 15A NCAC 10C .0305(b)(10) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 23 and 25)*

- 2) John H. Kerr Reservoir and Dan River – Modify an exception to the general statewide limits for striped bass and hybrid striped bass by decreasing the minimum size limit for striped bass from 26 to 24 inches in John H. Kerr Reservoir and in the Dan River upstream from the Bannister River to the Brantly Steam Station from October 1 through May 31. The creel limit will remain two striped bass or hybrid striped bass in combination from October 1 through May 31. From June 1 through September 30 the daily creel limit of four striped bass or hybrid striped bass in combination and no minimum size limit will not change. The upstream boundary for this regulation on the Dan River will be redefined from the Brantly Steam Plant Dam to the dam at Union Street in Danville, VA.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 23)*

## **Walleye**

- 1) John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake – Establish an exception to the general statewide limits for walleye by establishing an 18-inch minimum size limit for walleye in John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake and decreasing the daily creel limit from eight to five fish.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 23 and 26)*



## **American Shad**

- 1) Cape Fear River – Establish an exception to the general statewide daily creel limit for American shad and hickory shad by reducing the possession limit of American shad in the inland fishing waters of the Cape Fear River and its tributaries to five fish per day within the 10-fish daily creel for American shad and hickory shad in combination.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 25)*

## **Crappie and Sunfish**

- 1) Lake Mattamuskeet – Remove from the NCAC the exception to the general statewide limits for crappie and sunfish that stipulates federal regulations apply on Lake Mattamuskeet.

*Amend the following rule:*

*15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 23 and 24)*

## **Other**

- 1) Allow the use of set hooks in impounded waters of power reservoirs and municipally-owned water supply reservoirs which are designated as Public Mountain Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0206 Trotlines and Set-Hooks (page 21)*

- 2) Add bighead and silver carp to the list of species which are unlawful to transport, purchase, possess, sell or stock into public or private waters.

*Amend the following rule:*

*15A NCAC 10C .0211 Possession of Certain Fishes (page 22)*

- 3) Clarify that river herring (alewife or blueback herring) greater than six inches may not be possessed while boating on or fishing in inland fishing waters of North Carolina.

*Amend the following rules:*

*15A NCAC 10C .0401 Manner of Taking Nongame Fishes: Purchase and Sale (page 27)*

*15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption (page 28)*

- 4) Remove the prohibition of possession of live river herring on Lake Rhodhiss and Lake James.

*Amend the following rule:*

*15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption (page 28)*

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

(a) Designation of Public Mountain Trout Waters. For the purposes of this Rule, artificial lure is defined as a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell. Natural bait is defined as any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell. The waters listed herein or in 15A NCAC 10D .0104 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery Supported Waters. For specific classifications, see Subparagraphs (1) through (6) of this Paragraph. These waters are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

- (1) Hatchery Supported Trout Waters. The listed waters in the counties in Subparagraphs (a)(1)(A) through (Y) are classified as Hatchery Supported Public Mountain Trout Waters. Where specific watercourses or impoundments are listed, indentation indicates that the watercourse or impoundment listed is tributary to the next preceding watercourse or impoundment listed and not so indented. This classification applies to the entire watercourse or impoundment listed except as otherwise indicated in parentheses following the listing. Other clarifying information may also be included parenthetically. The tributaries of listed watercourses or impoundments are not included in the classification unless specifically set out therein.

(A) Alleghany County:

New River (not trout water)

Little River (Whitehead to McCann Dam) [Delayed Harvest Regulations apply to portion between Whitehead and a point 275 yards downstream of the intersection of SR 1128 and SR 1129 as marked by a sign on each bank. See Subparagraph (a)(5) of this Rule.]

Brush Creek (NC 21 bridge to confluence with Little River, except where posted against trespass)

Big Pine Creek

(Big) Glade Creek

Bledsoe Creek

Pine Swamp Creek

South Fork New River (not trout water)

Prather Creek

Cranberry Creek

Piney Fork

Meadow Fork

~~Yadkin River (not trout water)~~

~~Roaring River (not trout water)~~

~~East Prong Roaring River (that portion on Stone Mountain State Park) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]~~

(B) Ashe County:

New River (not trout waters)

North Fork New River (Watauga County line to Sharp Dam)

Helton Creek (Virginia State line to New River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]

Big Horse Creek (Mud Creek at SR 1363 to confluence with North Fork New River) [Delayed Harvest Regulations apply to portion between SR 1324 bridge and North Fork New River. See Subparagraph (a)(5) of this Rule.]

Buffalo Creek (SR 1133 bridge headwaters to junction of NC 194-88 bridge and SR 1134)

Big Laurel Creek

Three Top Creek (portion not on game lands)

South Fork New River (Todd Island Park not trout waters) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule]

Cranberry Creek (Alleghany County line to South Fork New River)

Nathans Creek

Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)

- Trout Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]  
Roan Creek  
Beaver Creek  
~~Pine Swamp Creek (all forks)~~  
Old Fields Creek  
~~Mill Creek (except where posted against trespass)~~
- (C) Avery County:  
Nolichucky River (not trout waters)  
North Toe River – upper (Watauga Street to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespass)  
North Toe River – lower (SR 1164 to Mitchell County line, except where posted against trespass)  
Squirrel Creek  
Elk River (SR 1305 crossing immediately upstream of Big Falls to the Tennessee State ~~line~~line, including portions of tributaries on game lands)  
Wildcat Lake  
Catawba River (not trout water)  
Johns River (not trout water)  
Wilson Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]  
Lost Cove Creek [not Hatchery Supported trout water, see Subparagraph (a)(4) of this Rule.]  
Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]  
Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]  
Boyde Coffey Lake  
Linville River [Land Harbor line (below dam) to Blue Ridge Parkway boundary line, except where posted against trespass]  
Milltimber Creek
- (D) Buncombe County:  
French Broad River (not trout water)  
Ivy Creek (Ivy River) (Dillingham Creek to US 19-23 bridge)  
Dillingham Creek (Corner Rock Creek to Ivy Creek)  
Stony Creek  
Corner Rock Creek (~~Little Andy Creek to confluence with~~including tributaries, except Walker Branch)  
Reems Creek (Sugar Camp Fork to US 19-23 bridge, except where posted against trespass)  
Swannanoa River (SR 2702 bridge near Ridgecrest to Wood Avenue Bridge, intersection of NC 81W and US 74A in Asheville, except where posted against trespass)  
Bent Creek (headwaters to N.C. Arboretum boundary ~~line~~line, including portions of tributaries on game lands)  
Lake Powhatan  
~~Rich Branch (downstream from confluence with Rocky Branch)~~  
Cane Creek (headwaters to SR 3138 bridge)
- (E) Burke County:  
Catawba River (Muddy Creek to the City of Morganton water intake dam) [Special Regulations apply. See Subparagraph (a)(7) of this Rule.]  
South Fork Catawba River (not trout water)  
Henry Fork (lower South Mountains State Park line downstream to SR 1919 at Ivy Creek)

- 1 Jacob Fork (Shinny Creek to lower South Mountain State Park  
2 boundary) [Delayed Harvest Regulations apply. See Subparagraph  
3 (a)(5) of this Rule.]  
4 Johns River (not trout water)  
5 Parks Creek (portion not on game lands not trout water)  
6 Carroll Creek (game lands portion above SR 1405 including tributaries)  
7 Linville River (portion within Linville Gorge Wilderness Area, including  
8 tributaries, and portion below Lake James powerhouse from upstream bridge on  
9 SR 1223 to Muddy Creek)
- (F) Caldwell County:  
11 Catawba River (not trout water)  
12 Johns River (not trout water)  
13 Wilson Creek (game lands portion downstream of Lost Cove Creek to  
14 Brown Mountain Beach dam, except where posted against trespass)  
15 [Delayed Harvest Regulations apply to game lands portion between Lost  
16 Cove Creek and Phillips Branch. See Subparagraph (a)(5) of this Rule.]  
17 Estes Mill Creek (not trout water)  
18 Mulberry Creek (portion not on game lands not trout water)  
19 Boone Fork [not Hatchery Supported trout water. See Subparagraph (a)(2)  
20 of this Rule.]  
21 Boone Fork Pond  
22 Yadkin River (Happy Valley Ruritan Community Park to SR 1515)  
23 Buffalo Creek (mouth of Joes Creek to McCloud Branch)  
24 Joes Creek (first falls upstream of SR 1574 to confluence with Buffalo  
25 Creek)
- (G) Cherokee County:  
27 Hiwassee River (not trout water)  
28 Shuler Creek (Joe Brown Highway (SR 1325) bridge to Tennessee line)  
29 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)  
30 Valley River (headwaters to US 19 business bridge in Murphy)  
31 Hyatt Creek (Big Dam Branch to Valley River including portions of  
32 tributaries on game lands)  
33 Junaluska Creek (Ashturn Creek to Valley River, including  
34 portions of tributaries on game lands)
- (H) Clay County:  
36 Hiwassee River (not trout water)  
37 Fires Creek (USFS Road 340A to the foot bridge in the US Forest Service Fires  
38 Creek Picnic Area) [Delayed Harvest Regulations apply. See Subparagraph  
39 (a)(5) of this Rule.]  
40 Fires Creek (foot bridge in the US Forest Service Fires Creek Picnic Area to SR  
41 1300)  
42 Tusquitee Creek (headwaters to lower SR 1300 bridge)  
43 Nantahala River (not trout water)  
44 Buck Creek (game land portion downstream of US 64 bridge)
- (I) Graham County:  
46 Little Tennessee River (not trout water)  
47 Calderwood Reservoir (Cheoah Dam to Tennessee State line)  
48 Cheoah River (not trout water)  
49 Yellow Creek  
50 Santeetlah Reservoir (not trout water)  
51 West Buffalo Creek  
52 Little Buffalo Creek  
53 Santeetlah Creek (Johns Branch to Lake Santeetlah mouth including  
54 portions of tributaries within this section located on game lands,  
55 excluding Johns Branch and Little Santeetlah Creek)

- (J) Haywood County:
- (Big) Snowbird Creek (USFS foot bridge at the old railroad junction to USFS Road 2579) [Delayed Harvest Regulations Apply. See Subparagraph (a)(5) of this Rule]
  - (Big) Snowbird Creek (USFS Road 2579 old railroad junction to SR 1127 bridge, including portions of tributaries on game lands)
  - Mountain Creek (game lands boundary to SR 1138 bridge)
  - Tulula Creek (headwaters to lower bridge on SR 1275)
  - Cheoah Reservoir
  - Fontana Reservoir (not trout water)
  - Stecoah Creek
  - Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana including portions of tributaries on game lands)
- (K) Henderson County:
- (Rocky) Broad River (Rocky River Lane to Rutherford County line)
  - ~~Green River — upper (mouth of Joe Creek to mouth of Bobs Creek)~~
  - Green River — lower (Lake Summit Dam powerhouse to game land boundary I-26 bridge)
  - (Big) Hungry River
  - French Broad River (not trout water)
  - Cane Creek (railroad bridge upstream of SR 1551 bridge to US 25 bridge)
  - Mud Creek (not trout water)
  - Clear Creek (Laurel Fork SR 1591 bridge at Jack Mountain Lane to SR 1582)
  - Mills River (not trout water)
  - North Fork Mills River (game lands portion below the Hendersonville watershed dam). [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
- (L) Jackson County:
- Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1534 bridge at Wilmot) [Delayed Harvest Regulations apply to that portion between the downstream NC 107 bridge and the falls located 275 yards upstreams of US 23-441 bridge as marked by a sign on each bank. See Subparagraph (a)(5) of this Rule.]
  - Scott Creek (entire stream, except where posted against trespass)
  - Dark Ridge Creek (Jones Creek to Scotts Creek)
  - Savannah Creek (Headwaters to Bradley's Packing House on NC 116)
  - Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)
  - Cullowhee Creek (Tilley Creek to Tuckasegee River)
  - Cedar Cliff Lake
  - Bear Creek Lake
  - Wolf Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]
  - Wolf Creek Lake
  - Balsam Lake
  - Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]
  - Tanasee Creek Lake

- (M) Macon County:
- Little Tennessee River (not trout water)
  - Nantahala River (Nantahala Dam to Swain County line) [Delayed Harvest Regulations apply to the portion from Whiteoak Creek to the Nantahala hydropower discharge canal. See Subparagraph (a)(5) of this Rule.]
  - Queens Creek Lake
  - Burningtown Creek (~~Left Prong to Little Tennessee River~~including portions of tributaries on game lands)
  - Cullasaja River (~~Sequoyah Sequoyah~~ Dam to US 64 bridge near junction of SR 1672)1672, including portions of tributaries on game lands, excluding those portions of Buck Creek and Turtle Pond Creek on game lands. [Wild Trout Regulations apply. See Subparagraphs (a)(2) and (a)(6) of this Rule.]
  - Skitty Creek
  - Cliffside Lake
  - Cartoogechaye Creek (downstream US 64 bridge to Little Tennessee River)
- (N) Madison County:
- French Broad River (not trout water)
  - ~~Shut-In~~Shut-in Creek (including portions of tributaries on game lands)
  - West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)
  - Spring Creek -- upper (junction of NC 209 and NC 63 to US Forest Service road 223)
  - Spring Creek -- lower (NC 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Avenue) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Meadow Fork Creek
  - Roaring Fork (~~Fall Branch to Meadow Fork~~ including portions of tributaries on game lands)
  - Max Patch Pond
  - Big Laurel Creek (Mars Hill Watershed boundary to the SR 1318 bridge, also known as Big Laurel Road bridge, downstream of Bearpen Branch)
  - Big Laurel Creek (NC 208 bridge to US 25-70 bridge) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Spillcorn Creek (~~entire stream, excluding tributaries~~)
  - Shelton Laurel Creek (confluence of Big Creek and Mill Creek to NC 208 bridge at Belva)
  - Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Puncheon Fork (Hampton Creek to Big Laurel Creek)
  - Big Pine Creek (SR 1151 bridge to French Broad River)
  - Ivy Creek (not trout waters)
  - Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)
- (O) McDowell County:
- Catawba River – upper (Catawba Falls Campground to Old Fort Recreation Park)
  - Catawba River – lower (portion adjacent to Marion Greenway) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Buck Creek (portion not on game lands, not trout water)
  - Little Buck Creek (game land portion including portions of tributaries on game lands)
  - Curtis Creek (game lands portion downstream of US Forest Service boundary at Deep Branch) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - North Fork Catawba River (headwaters to SR 1569 bridge)
  - Armstrong Creek (Cato Holler line downstream to upper Greenlee line)

- 1 Mill Creek (upper railroad bridge to I 40 bridge, except where posted against  
2 trespass) [Delayed Harvest Regulations apply to that portion between US 70  
3 bridge and I 40 bridge. See Subparagraph (a)(5) of this Rule.]
- 4 (P) Mitchell County:  
5 Nolichucky River (not trout water)  
6 Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)  
7 Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where  
8 posted against trespass)  
9 Cane Creek (SR 1219 to SR 1189 bridge) [Delayed Harvest Regulations apply  
10 to that portion from NC 226 bridge to SR 1189 bridge. See Subparagraph (a)(5)  
11 of this Rule.]  
12 Grassy Creek (East Fork Grassy Creek to mouth)  
13 East Fork Grassy Creek  
14 North Toe River (Avery County line to SR 1121 bridge)  
15 North Toe River (US 19E bridge to NC 226 bridge) [Delayed Harvest  
16 Regulations apply. See Subparagraph (a)(5) of this Rule.]
- 17 (Q) Polk County:  
18 Broad River (not trout water)  
19 North Pacolet River (Joels Creek to NC 108 bridge)  
20 Green River (Fishtop Falls Access Area to the natural gas pipeline crossing)  
21 [Delayed Harvest Regulations apply to the portion from Fishtop Falls Access  
22 Area to Cove Creek. See Subparagraph (a)(5) of this Rule.]
- 23 (R) Rutherford County:  
24 (Rocky) Broad River (Henderson County line to US 64/74 bridge, except where  
25 posted against trespass)
- 26 (S) Stokes County:  
27 Dan River (Virginia State line downstream to a point 200 yards below the end of SR  
28 1421)
- 29 (T) Surry County:  
30 Yadkin River (not trout water)  
31 Big Elkin Creek (Dam 440 yards upstream of NC 268 bridge to a point 265  
32 yards downstream of NC 268 bridge as marked by a sign on each bank)  
33 Ararat River (SR 1727 bridge downstream to the NC 103 bridge)  
34 Araat River (NC 103 bridge to US 52 bridge) [Delayed Harvest Regulations  
35 apply. See Subparagraph (a)(5) of this Rule.]  
36 Stewarts Creek (not trout water)  
37 Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge -  
38 lower Caudle property line)  
39 Fisher River (Cooper Creek) (Virginia State line to Interstate 77)  
40 Little Fisher River (Virginia State line to NC 89 bridge)  
41 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge  
42 below Kappps Mill Dam) [Delayed Harvest Regulations apply. See  
43 Subparagraph (a)(5) of this Rule.]
- 44 (U) Swain County:  
45 Little Tennessee River (not trout water)  
46 Calderwood Reservoir (Cheoah Dam to Tennessee State line)  
47 Cheoah Reservoir  
48 Fontana Reservoir (not trout water)  
49 Alarka Creek (game lands boundary to Fontana Reservoir)  
50 Nantahala River (Macon County line to existing Fontana Reservoir water  
51 level)  
52 Tuckasegee River (not trout water)  
53 Deep Creek (Great Smoky Mountains National Park boundary line to  
54 Tuckasegee River)  
55 Connelly Creek (Camp Branch to Tuckasegee River including portions of  
56 tributaries on game lands)



- (V) Transylvania County:
- French Broad River (confluence of North Fork French Broad River and West Fork French Broad River to the Island Ford Road (SR 1110) Access Area)
  - Davidson River (Avery Creek to lower US Forest Service boundary line)
  - East Fork French Broad River (Glady Fork to French Broad River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Little River (confluence of Lake Dense outflow to 100 yards downstream of Hooker Falls) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Middle Fork French Broad River
  - West Fork French Broad River (~~Camp Cove Branch to confluence with North Fork French Broad SR 1312 and SR 1309 intersection to junction of west and north forks, including portions of tributaries within this section located on game lands~~)
- (W) Watauga County:
- New River (not trout waters)
    - ~~North Fork New River (from confluence with Maine and Mine branches to Ashe County line)~~
    - ~~Maine Branch (headwaters to North Fork New River)~~
    - South New Fork New River (not trout water) (canoe launch 70 yards upstream of US 421 bridge to lower boundary of Brookshire Park)
    - Meat Camp Creek
    - Norris Fork Creek
    - ~~Howard Creek (downstream from lower falls)~~
    - Middle Fork New River (Lake Chetola Dam to South Fork New River)
  - Yadkin River (not trout water)
    - Stony Fork (headwaters to Wilkes County line)
    - Elk Creek (SR 1510 bridge at Triplett to Wilkes County line, except where posted against trespass)
  - Watauga River (adjacent to the intersection of SR 1557 and SR 1558 to NC 105 bridge and SR 1114 bridge to NC 194 bridge at Valle Crucis). [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
  - Beech Creek
    - Buckeye Creek Reservoir
    - Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
    - Coffee Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
    - Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of SR 1201 and SR 1203)
  - Laurel Creek
  - Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)
  - Dutch Creek (second bridge on SR 1134 to mouth)
- (X) Wilkes County:
- Yadkin River (not trout water)
    - Roaring River (not trout water)
      - East Prong Roaring River (~~from Bullhead Creek downstream to Brewer's Mill on SR 1943~~) to Stone Mountain State Park lower boundary) [Delayed Harvest Regulations apply. apply to portion on Stone Mountain State Park. See Subparagraph (a)(5) of this Rule.]
      - East Prong Roaring River (Stone Mountain State Park lower boundary to Brewer's Mill on SR 1943)
      - Stone Mountain Creek [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
    - Middle Prong Roaring River (headwaters to second bridge on SR 1736)
    - Bell Branch Pond
    - Boundary Line Pond



- 1 West Prong Roaring River (not trout waters)  
2 Pike Creek  
3 Pike Creek Pond  
4 Cub Creek (0.5 miles upstream of SR 2460 bridge to SR 1001 bridge)  
5 Reddies River (Town of North Wilkesboro water intake dam to confluence with  
6 Yadkin River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of  
7 this Rule.]  
8 Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR  
9 1580)  
10 South Fork Reddies River (~~SR 1355 bridge headwaters~~ to confluence  
11 with Middle Fork Reddies River)  
12 North Fork Reddies River (Vannoy Creek) (headwaters to Union  
13 School bridge on SR 1559)  
14 Darnell Creek (North Prong Reddies River) (downstream ford on  
15 SR 1569 to confluence with North Fork Reddies River)  
16 Lewis Fork Creek (not trout water)  
17 South Prong Lewis Fork (~~Fall Creek to SR 1155 bridge headwaters to Lewis~~  
18 ~~Fork Baptist Church~~)  
19 Fall Creek (~~SR 1300 bridge to confluence with South Prong Lewis Fork~~  
20 except portions posted against trespass)  
21 Elk Creek – upper (Watauga County line to lower boundary of ~~Reynolds Blue~~  
22 ~~Ridge development~~ Blue Ridge Mountain Club) [Delayed Harvest Regulations  
23 apply. See Subparagraph (a)(5) of this Rule.]  
24 Elk Creek – lower (portion on Leatherwood Mountains development) [Delayed  
25 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]  
26 (Y) Yancey County:  
27 Nolichucky River (not trout water)  
28 Cane River [Bee Branch (SR 1110) to Bowlens Creek]  
29 Bald Mountain Creek (except portions posted against trespass)  
30 Indian Creek (not trout water)  
31 Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)  
32 North Toe River (not trout water)  
33 South Toe River (Clear Creek to lower boundary line of Yancey County  
34 recreation park except where posted against trespass)  
35 (2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands  
36 listed in Subparagraph (b)(2) of 15A NCAC 10D .0104, are classified as Wild Trout Waters unless  
37 classified otherwise in Subparagraph (a)(1) of this Rule. The trout waters listed in this  
38 Subparagraph are also classified as Wild Trout Waters.  
39 (A) Alleghany County:  
40 Big Sandy Creek (portion on Stone Mountain State Park)  
41 Stone Mountain Creek (that portion on Stone Mountain State Park)  
42 (B) Ashe County:  
43 Big Horse Creek (Virginia State Line to Mud Creek at SR 1363) [Catch and  
44 Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.]  
45 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game  
46 Land) [Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph  
47 (a)(3) of this Rule.]  
48 (C) Avery County:  
49 Birchfield Creek (entire stream)  
50 Cow Camp Creek (entire stream)  
51 Cranberry Creek (headwaters to US 19E/NC 194 bridge)  
52 Elk River (portion on Lees-McRae College property, excluding the millpond) [Catch and  
53 Release/Artificial Flies Only Regulations apply. See Subparagraph (a)(4) of this  
54 Rule.]  
55 Gragg Prong (entire stream)  
56 Horse Creek (entire stream)

- 1 Jones Creek (entire stream)
- 2 Kentucky Creek (entire stream)
- 3 North Harper Creek (entire stream)
- 4 Plumtree Creek (entire stream)
- 5 Roaring Creek (entire stream)
- 6 Rockhouse Creek (entire stream)
- 7 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
- 8 South Harper Creek (entire stream)
- 9 Webb Prong (entire stream)
- 10 Wilson Creek [Catch and Release/Artificial Lures Only Regulations apply. See
- 11 Subparagraph (a)(3) of this Rule.]
- 12 (D) Buncombe County:
- 13 Carter Creek (game land portion) [Catch and Release/Artificial Lures only Regulations
- 14 apply. See Subparagraph (a)(3) of this Rule.]
- 15 (E) Burke County:
- 16 All waters located on South Mountain State Park, except the main stream of Jacob Fork
- 17 Between the mouth of Shinny Creek and the lower park boundary where Delayed Harvest
- 18 Regulations apply, and Henry Fork and tributaries where Catch and Release/Artificial
- 19 Lures Only Regulations apply. See Subparagraphs (a)(3) and (a)(5) of this Rule.
- 20 Nettle Branch (game land portion)
- 21 (F) Caldwell County:
- 22 Buffalo Creek (Watauga County line to Long Ridge Branch including tributaries on game
- 23 lands)
- 24 Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)
- 25 Rockhouse Creek (entire stream)
- 26 (G) Cherokee County:
- 27 Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters
- 28 Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 29 Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
- 30 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 31 North Shoal Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
- 32 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 33 (H) Graham County:
- 34 Franks Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
- 35 Subparagraph (a)(6) of this Rule.]
- 36 Little Buffalo Creek (entire stream)
- 37 South Fork Squally Creek (entire stream)
- 38 Squally Creek (entire stream)
- 39 (I) Haywood County
- 40 Hemphill Creek [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph
- 41 (a)(6) of the Rule.]
- 42 Hurricane Creek (including portions of tributaries on game lands) [Wild Trout/Natural
- 43 Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 44 (J) Jackson County:
- 45 Buff Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
- 46 Subparagraph (a)(6) of this Rule.]
- 47 Gage Creek (entire stream)
- 48 North Fork Scott Creek (entire stream)
- 49 ~~Shoal Creek (Glenville Reservoir pipeline to mouth) [Wild Trout/Natural Bait Waters~~
- 50 ~~Regulations apply. See Subparagraph (a)(6) of this Rule.]~~
- 51 Tanasee Creek (entire stream)
- 52 ~~West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville~~
- 53 ~~Lake) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of~~
- 54 ~~this Rule.]~~
- 55 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- 56 Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)

- (K) Madison County:  
Big Creek (headwaters to the lower game land boundary, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (L) Mitchell County:  
Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)  
Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except where posted against trespass)  
Wiles Creek (game land boundary to mouth)
- (M) Transylvania County:  
All waters located on Gorges State Park  
Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- (N) Watauga County:  
Dugger Creek (portions on ~~Reynolds Blue Ridge development, Blue Ridge Mountain Club, including tributaries. Anglers must check in at the development security office on Triplett Road prior to fishing.~~ tributaries) [Catch and Release/Artificial Lure Only Trout Waters Regulations apply. See Subparagraph (a)(3) of this Rule.]  
Dutch Creek (headwaters to second bridge on SR 1134)  
~~Howard Howards Creek (entire stream headwaters to lower falls)~~  
Laurel Creek (portions on ~~Reynolds Blue Ridge Blue Ridge Mountain Club and Powder Horn Mountain developments, including tributaries. Anglers fishing the upper section of Laurel Creek must check in at the Reynolds Blue Ridge security office on Triplett Road prior to fishing. Anglers fishing the lower section of Laurel Creek must access the creek from the parking area on Powder Horn Mountain property adjacent to Laurel Creek on Triplett Road.~~ Development, including tributaries) [Catch and Release/Artificial Lure Only Trout Waters Regulations apply. See subparagraph (a)(3) of this Rule.]  
~~Maine Branch (headwaters to North Fork New River)~~  
~~North Fork New River (from confluence with Maine and Mine branches to Ashe County line)~~  
Pond Creek (headwaters to Locust Ridge Road bridge, excluding the pond adjacent to Coffee Lake) [Catch and Release/Artificial Lure Only Trout Waters Regulations Apply. See Subparagraph (a)(3) of this Rule.]  
Watauga River (Avery County line to ~~SR 1580 bridge steel bridge at Riverside Farm Road~~)  
Winkler Creek (lower bridge on SR 1549 to confluence with South Fork New River)
- (O) Wilkes County:  
Big Sandy Creek (portion on Stone Mountain State Park)  
Dugger Creek (portions on ~~Reynolds Blue Ridge development, Blue Ridge Mountain Club, including tributaries. Anglers must check in at the development security office on Triplett Road prior to fishing.~~ tributaries) [Catch and Release/Artificial Lure Only Trout Waters Regulations apply. See Subparagraph (a)(3) of this Rule.]  
Garden Creek (portion on Stone Mountain State Park)  
Harris Creek and tributaries (portions on Stone Mountain State Park) [Catch and Release Artificial Lures Only Regulations apply. See Subparagraph (a)(4) of this Rule.]  
Widow Creek (portion on Stone Mountain State Park)
- (P) Yancey County:  
Cattail Creek (Bridge at Mountain Farm Community Road (Private) to NC 197 bridge)  
Lickskillet Creek (entire stream)  
Middle Creek (game land boundary to mouth)
- (3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may be used. No trout may be harvested or be in possession while fishing these streams:
- (A) Ashe County:  
Big Horse Creek (Virginia State line to Mud Creek at SR 1363 excluding tributaries)  
Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Lands)

- (B) Avery County:  
Wilson Creek (game land portion)
- (C) Buncombe County:  
Carter Creek (game land portion)
- (D) Burke County:  
Henry Fork (portion on South Mountains State Park)
- (E) Jackson County:  
Flat Creek  
Tuckasegee River (upstream of Clarke property)
- (F) McDowell County:  
Newberry Creek (game land portion)
- (G) Watauga County:  
Dugger Creek (portions on ~~Reynolds Blue Ridge development, Blue Ridge Mountain Club, including tributaries. Anglers must check in at the development security office on Triplett Road prior to fishing) tributaries~~  
Laurel Creek (portions on ~~Reynolds Blue Ridge Blue Ridge Mountain Club and Powder Horn Mountain developments, including tributaries. Anglers fishing the upper section of Laurel Creek must check in at the development security office on Triplett Road prior to fishing. Anglers fishing the lower section of Laurel Creek must access the creek from the parking area on Powder Horn Mountain property adjacent to Laurel Creek on Triplett Road.) Development, including tributaries~~  
Pond Creek (headwaters to Locust Ridge bridge, excluding the pond adjacent to Coffee Lake)
- (H) Wilkes County:  
Dugger Creek (portions on ~~Reynolds Blue Ridge development, Blue Ridge Mountain Club, including tributaries. Anglers must check in at the development security office on Triplett Road prior to fishing) tributaries~~  
Harris Creek (portion on Stone Mountain State Park)
- (4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Artificial Flies Only waters. Only artificial flies having one single hook may be used. No trout may be harvested or be in possession while fishing these streams:
- (A) Avery County:  
Elk River (portion on Lees-McRae College property, excluding the millpond)  
Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- (B) Transylvania County:  
Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- (C) Yancey County:  
South Toe River (headwaters to Upper Creek, including tributaries)  
Upper Creek (entire stream)
- (5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first Saturday of the following June, inclusive, it is unlawful to possess natural bait, use more than a single hook on an artificial lure, or harvest or possess trout while fishing these waters. These waters are closed to fishing between one-half hour after sunset on the Friday before the first Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in June these waters are open for fishing under Hatchery Supported Waters rules for youth anglers only. Youth is defined as a person under 16 years of age. At 12:00 p.m. on the first Saturday in June these streams open for fishing under Hatchery Supported Waters rules for all anglers:
- (A) Alleghany County:  
Little River (Whitehead to a point 275 yards downstream of the intersection of SR 1128 and SR 1129 as marked by a sign on each bank)
- (B) Ashe County:  
Trout Lake

1 Helton Creek (Virginia state line to New River)  
 2 South Fork New River (Todd Island Park)  
 3 Big Horse Creek (SR 1324 bridge to North Fork New River)  
 4 (C) Burke County:  
 5 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)  
 6 (D) Caldwell County:  
 7 Wilson Creek (game lands portion downstream of Lost Cove Creek to Phillips Branch)  
 8 (E) Clay County:  
 9 Fires Creek (USFS Road 340A to the foot bridge in the US Forest Service Fires Creek  
 10 Picnic Area)  
 11 (F) Graham County:  
 12 (Big )Snowbird Creek (USFS foot bridge at the old railroad junction to USFS Road 2579)  
 13 ~~(E)(G)~~ Haywood County:  
 14 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake  
 15 Logan)  
 16 ~~(F)(H)~~ Henderson County:  
 17 North Fork Mills River (game land portion below the Hendersonville watershed dam)  
 18 ~~(G)(I)~~ Jackson County:  
 19 Tuckasegee River (downstream NC 107 bridge falls located 275 yards upstream of the  
 20 US 23-441 bridge as marked by a sign on each bank)  
 21 ~~(H)(J)~~ Macon County:  
 22 Nantahala River (Whiteoak Creek to the Nantahala hydropower discharge canal)  
 23 ~~(I)(K)~~ Madison County:  
 24 Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)  
 25 Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)  
 26 Spring Creek (NC 209 bridge at Hot Springs city limits to iron bridge at end of Andrews  
 27 Avenue)  
 28 ~~(J)(L)~~ McDowell County:  
 29 Catawba River (portion adjacent to Marion Greenway)  
 30 Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep  
 31 Branch)  
 32 Mill Creek (US 70 bridge to I 40 bridge)  
 33 ~~(K)(M)~~ Mitchell County:  
 34 Cane Creek (NC 226 bridge to SR 1189 bridge)  
 35 North Toe River (US 19E bridge to NC 226 bridge)  
 36 ~~(L)(N)~~ Polk County:  
 37 Green River (Fishtop Falls Access Area to confluence with Cove Creek)  
 38 ~~(M)(O)~~ Surry County:  
 39 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below  
 40 Kapps Mill Dam)  
 41 Ararat River (NC 103 bridge to US 52 bridge)  
 42 ~~(N)(P)~~ Transylvania County:  
 43 East Fork French Broad River (Gladys Fork to French Broad River)  
 44 Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)  
 45 ~~(O)(Q)~~ Watauga County:  
 46 Watauga River (adjacent to intersection of SR 1557 and SR 1558 to NC 105 bridge and  
 47 SR 1114 bridge to NC 194 bridge at Valle Crucis)  
 48 Coffee Lake  
 49 ~~(P)(R)~~ Wilkes County:  
 50 East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State  
 51 Park lower boundary)  
 52 Stone Mountain Creek (from falls at Allegheny County line to confluence with East  
 53 Prong  
 54 Roaring River and Bullhead Creek in Stone Mountain State Park)  
 55 Reddies River (Town of North Wilkesboro water intake dam to confluence with Yadkin  
 56 River)

- 1 Elk Creek – upper (Watauga County line to lower boundary of ~~Reynolds Blue Ridge~~  
2 ~~development~~ Blue Ridge Mountain Club)  
3 Elk Creek – lower (portion on Leatherwood Mountains development)
- 4 (6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this  
5 Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural  
6 Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are  
7 fished using only one single hook. The creel limit, size limit, and open season are the same as  
8 other Wild Trout Waters [see 15A NCAC 10C .0305(a)]:  
9 (A) Cherokee County:  
10 Bald Creek (game land portions)  
11 Dockery Creek (game land portions)  
12 North Shoal Creek (game land portions)  
13 (B) Graham County:  
14 Deep Creek  
15 Long Creek (game land portion)  
16 Franks Creek  
17 (C) Haywood County:  
18 Hemphill Creek (including tributaries)  
19 Hurricane Creek (including portions of tributaries on game lands)  
20 (D) Jackson County:  
21 Buff Creek  
22 Chattooga River (SR 1100 bridge to South Carolina state line)  
23 (lower) Fowler Creek (game land portion)  
24 Scotsman Creek (game land portion)  
25 Shoal Creek (Glenville Reservoir pipeline to mouth)  
26 ~~West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville~~  
27 ~~Lake)~~  
28 (E) Macon County:  
29 Chattooga River (SR 1100 bridge to South Carolina state line)  
30 Jarrett Creek (game land portion)  
31 ~~Kimsey Creek~~  
32 Nantahala River (game land portion upstream of U.S. 64)  
33 Overflow Creek (game land portion)  
34 ~~Park Creek~~  
35 Tellico Creek (game land portion)  
36 Turtle Pond Creek (game land portion)  
37 (F) Madison County:  
38 Big Creek (headwaters to the lower game land boundary, including tributaries)  
39 (G) Transylvania County:  
40 North Fork French Broad River (game land portions downstream of SR 1326)  
41 Thompson River (SR 1152 to South Carolina state line, except where posted against  
42 trespass,  
43 including portions of tributaries within this section located on game lands)
- 44 (7) Special Regulation Trout Waters. Those portions of Designated Public Mountain Trout Waters as  
45 listed in this Subparagraph, excluding tributaries as noted, are further classified as Special  
46 Regulation Trout Waters. Regulations specific to each water are defined below:  
47 Burke County  
48 Catawba River (Muddy Creek to City of Morganton water intake dam).  
49 Regulation: The daily creel limit is 7 trout and only one of which may be greater than 14  
50 inches in length. There are no bait restrictions and no closed season.
- 51 (b) Fishing in Trout Waters  
52 (1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner from  
53 designated public mountain trout waters during the closed seasons for trout fishing. The seasons,  
54 size limits, creel limits and possession limits apply in all waters, whether designated or not, as  
55 public mountain trout waters. Except in power reservoirs and city water supply reservoirs so  
56 designated, it is unlawful to fish in designated public mountain trout waters with more than one



line. Night fishing is not allowed in most hatchery supported trout waters on game lands [see 15A NCAC 10D .0104(b)(1)].

(2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (a)(3), (a)(4), and (a)(6) of this Rule, the following rules apply to fishing in wild trout waters.

(A) Open Season. There is a year round open season for the licensed taking of trout.

(B) Creel Limit. The daily creel limit is four trout.

(C) Size Limit. The minimum size limit is seven inches.

(D) Manner of Taking. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing wild trout waters except those waters listed in 15A NCAC 10C .0205(a)(6).

(E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after sunset and one-half hour before sunrise.

*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, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*

*Amended Eff. August 1, 2013*

1 **15A NCAC 10C .0206 TROTTLINES AND SET-HOOKS**

2 Trotlines and set-hooks may be set in the inland waters of North Carolina, provided no live bait is used. ~~used; except~~  
3 ~~that no trotlines or set hooks may be set in designated public mountain trout waters or in any of the impounded~~  
4 ~~waters on the Sandhills Game Land. Trotlines and set-hooks may not be set in any of the impounded waters on the~~  
5 ~~Sandhills Game Land. Trotlines and set-hooks may not be set in any designated public mountain trout waters except~~  
6 ~~impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.~~

7 In Lake Waccamaw, trotlines or set-hooks may be set only from October 1 through April 30. For the purposes of  
8 this Rule, a set-hook is defined as any hook and line that is attached at one end only to a stationary or floating object  
9 and that is not under immediate control and attendance of the person using the device. Each trotline, set hook, and  
10 jug hook shall bear legible and indelible identification of the user's name and address. For purposes of this Rule, a  
11 "jug-hook" is a single hook and line attached to a float. Each trotline shall be conspicuously marked at each end and  
12 each set-hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is  
13 readily discernable by boat operators and swimmers. Trotlines shall be set parallel to the nearest shore in all inland  
14 fishing waters unless otherwise prohibited. The number of jug-hooks that may be fished is limited to 70 per boat.  
15 All trotlines, throwlines, set-hooks, and jug-hooks shall be fished at least once daily and all fish removed at that  
16 time. Untended trotlines, set-hooks, and jug-hooks may be removed from the water by wildlife enforcement officers  
17 when located in areas of multiple water use. For purposes of this Rule, a trotline or set-hook is considered  
18 "untended" when no bait is present on the device. It is unlawful to use metal cans or glass jugs as floats.

19  
20 *History Note:* Authority G.S. 113-134; 113-272; 113-292;  
21 Eff. February 1, 1976;  
22 Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982;  
23 Temporary Amendment Eff. July 1, 2002;  
24 Amended Eff. May 1, 2008; June 1, 2005; August 1, 2002.  
25 Amended Eff. August 1, 2013  
26



1 **15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES**

2 (a) It is unlawful to transport, purchase, possess, or sell any live individuals of piranha, "walking catfish" (*Clarias*  
3 *batrachus*), snakehead fish (from the Family Channidae, formerly Ophiocephalidae), black carp (*Mylopharyngodon*  
4 *piceus*), **bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*)**, rudd (*Scardinius*  
5 *erythrothalamus*), round goby (*Neogobius melanostomus*), tubenose goby (*Proterorhinus marmoratus*), ruffe  
6 (*Gymnocephalus cernuus*), Japanese mysterysnail (*Cipangopaludina japonica*), Chinese mysterysnail  
7 (*Cipangopaludina chinensis malleata*), red-rim melania (*Melanoides tuberculatus*), virile crayfish (*Orconectes*  
8 (*Gremicambarus*) *virilis*), rusty crayfish (*Orconectes* (*Procericambarus*) *rusticus*), Australian red claw crayfish or  
9 "red claw" (*Cherax quadricarinatus*, or other species of "giant" crayfish species in the genus *Cherax*), white amur or  
10 "grass carp" (*Ctenopharyngodon idella*), swamp or "rice" eel (*Monopterus albus*), red shiner (*Cyprinella lutrensis*),  
11 or zebra mussel (*Dreissena polymorpha*) or quagga mussel (*Dreissena rostriformis bugensis*) or any mussel in the  
12 family Dreissenidae, or to stock any of them in the public or private waters of North Carolina.

13 (b) A person may buy, possess or stock triploid grass carp only for the purpose of controlling aquatic vegetation  
14 under a permit issued by the Executive Director when the director determines that conditions of such possession or  
15 stocking provide minimal probability of escape and threat to sensitive aquatic habitat and that the carp is certified to  
16 be sterile by genetic testing at a federal, state, or university laboratory.

17  
18 *History Note:* Authority G.S. 113-134; 113-274(c)(1c); 113-292;  
19 Eff. February 1, 1976;  
20 Amended Eff. September 1, 1984;  
21 Temporary Amendment Eff. July 1, 2001;  
22 Amended Eff. July 18, 2002;  
23 Temporary Amendment Eff. September 1, 2002;  
24 Amended Eff. August 1, 2011; June 1, 2009, June 1, 2005; August 1, 2004.  
25 **Amended Eff. August 1, 2013**  
26

# **15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. (3))
Hatchery Supported Trout Waters and undesignated waters	7 (exc. (3))	None (exc. (3))	All year, except March 1 to 7:00 a.m. on first Saturday in April (exc. (3))
Muskellunge	1	42 in.	ALL YEAR
Pickeral: Chain and Redfin	None	None	ALL YEAR
Walleye	8 (exc. <del>(8)</del> (7)&(20))	None (exc. <del>(8)</del> (7)&(20))	ALL YEAR
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5	14 in. <u>(2 fish may be less than 14 in.)</u>	ALL YEAR
Smallmouth and Spotted	(excs. <del>(48)&amp;(21)</del> (16),(19)&(21)) <del>(7),(9),(18)&amp;(21)</del> (6),(8),(16),(19)&(21)) (exc. <del>(15)</del> (13))	(excs. <del>(48)&amp;(21)</del> (16),(19)&(21)) (exc. <del>(15)</del> (13))	
Roanoke and Rock Bass	None (exc. <del>(20)</del> (18))	None (exc. <del>(20)</del> (18))	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))
Flounder	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))
Red drum (channel bass, red fish, puppy drum)	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))	(exc. <del>(17)</del> (15))
Striped Bass	8 aggregate	16 in. <u>(2 fish may be less than 16 in.)</u>	ALL YEAR
and their hybrids	(excs. (1),(2), <del>(5)</del> ) <del>(6),(12)&amp;(13)</del> (5),(10)&(11))	(excs. (1),(2), <del>(5)</del> ) <del>(6),(10)&amp;(12)</del> (4),(5)&(10))	(excs. <del>(6),(10)&amp;(12)</del> (4),(5)&(10))
(Morone Hybrids)			
Shad: (American and hickory)	10 aggregate (exc. <del>(19)</del> (17))	None	ALL YEAR (exc. <del>(16)</del> (14))
Kokanee Salmon	7	None	ALL YEAR
Crappie and sunfish	None (excs. <del>(4),(11)&amp;(14)</del> (9)&(12))	None (exc. <del>(11)</del> (9))	ALL YEAR (exc. <del>(4)</del> )

## (b) Exceptions

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam-dam at Union Street in Danville, VA and in John H. Kerr Reservoir the creel limit on striped bass and Morone hybrids is two in the aggregate and the minimum size limit is 24 26 inches from October 1 through May 31. From June 1 through September 30 the daily creel limit on striped bass and Morone hybrids is four in aggregate with no minimum size limit.

- (2) In the Cape Fear River upstream of Buckhorn Dam and the Deep and Haw rivers to the first impoundment and in B. Everett Jordan Reservoir, Lake Rhodhiss, Lake Hickory, and Lookout Shoals Reservoir, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches. In Lake Gaston and Roanoke Rapids Reservoir the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 20 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30. In Lake Norman the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 16 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30.
- (3) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area (including tributaries), Catawba River from Muddy Creek to the City of Morganton water intake dam, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- ~~(4)~~ ~~On Mattamuskeet Lake, federal regulations apply.~~
- ~~(5)~~(4) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95, subject to the exceptions listed in this Paragraph, the daily creel limit for striped bass and their hybrids is two fish in aggregate. The minimum length limit is 18 inches and no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches may be possessed. In these waters, the season for taking and possessing striped bass is closed from May 1 through September 30. In the inland fishing waters of the Cape Fear River and its tributaries, the season for taking and possessing striped bass is closed year-round. In the Pee Dee River and its tributaries from the South Carolina line upstream to Blewett Falls Dam, the season for taking and possessing striped bass and their hybrids is open year-round, the daily creel limit is three fish in aggregate and the minimum length limit is 18 inches.
- ~~(6)~~(5) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and their hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for striped bass and their hybrids is two fish in aggregate, the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit. Only one fish larger than 27 inches may be retained in the daily creel limit.
- ~~(7)~~(6) ~~The maximum combined number of black bass of all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in: in Lake Lake Marion in Moore County, Reedy Creek Park lakes in Mecklenburg County, Lake Rim in Cumberland County, Lake Raleigh in Wake County, County; Sutton Lake in New Hanover County; Lake Mattamuskeet and associated canals in Hyde County; Pungo Lake in Washington and Hyde counties; New Lake in Hyde County; and the Currituck, Roanoke, Croatan and Albemarle sounds and all their tributaries including but not limited to Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernong River and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge). Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and in all other public fishing waters east of Interstate 95 (except Tar River Reservoir in Nash County), South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake. In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties the minimum size limit for largemouth bass is 16 inches, with no exception. In Lake Phelps and Shearon Harris Reservoir no black bass between 16 and 20 inches shall be possessed. In Randleman Reservoir only one largemouth bass greater than 20 inches may be possessed.~~

- (8)(7) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- (9)(8) The minimum size limit for all black bass, with no exception, is 18 inches in Lake Thom-A-Lex in Davidson County.
- ~~(10) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (4), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.~~
- (11)(9) A daily creel limit of 20 fish and a minimum size limit of 10 inches apply to crappie in B. Everett Jordan Reservoir and in the Roanoke River and its tributaries downstream of Roanoke Rapids dam and in the Cashie, Middle, and Eastmost rivers and their tributaries. A daily creel limit of 20 fish and a minimum size limit of eight inches apply to crappie in the following waters: all public waters west of Interstate 77, South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery, and Blewett Falls Lake, Lake Norman, Lake Hyco, Lake Ramseur, Cane Creek Lake, Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and in all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and Roanoke River and tributaries below Roanoke Rapids dam, as listed above. In Buckhorn Reservoir in Wilson and Nash counties a daily creel limit of 20 fish applies to crappie.
- (12)(10) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (13)(11) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- (14)(12) In Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and in all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.
- (15)(13) In Sutton Lake, no largemouth bass shall be possessed from December 1 through March 31.
- (16)(14) The season for taking American and hickory shad with bow nets is March 1 through April 30.
- (17)(15) In inland fishing waters, sea trout (spotted or speckled), flounder, and red drum recreational seasons, size limits and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.
- (18)(16) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) no black bass between 14 and 20 inches in length shall be possessed and only one black bass greater than 20 inches may be possessed in the daily creel limit. No minimum size limit applies to black bass less than 14 inches in length in this section of New River.
- (19)(17) In the inland waters of Roanoke River, Neuse River, and their tributaries, the daily creel limit for American and hickory shad is 10 in aggregate, only one of which may be an American shad. In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and hickory shad is 10 in aggregate, only five of which may be American shad. In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no American shad may be possessed.
- (20)(18) In all public fishing waters east of Interstate 77, the minimum length for Roanoke and rock bass is 8 inches and the daily creel limit is two fish in aggregate.

- 1 ~~(21)~~(19) In Lake Cammack in Alamance County and Lake Holt in Granville County the daily creel limit for  
2 largemouth bass is 10 fish and no more than two fish greater than 14 inches may be possessed.  
3 (20) In John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake, the minimum size limit for  
4 walleye is 18 inches and the daily creel limit is five fish.  
5 (21) In Lake Santeetlah in Graham County, there is no daily creel limit for black bass less than 14  
6 inches and no more than five black bass greater than 14 inches may be possessed.  
7

8 *History Note:* Authority G.S. 113-134; 113-292; 113-304; 113-305;  
9 Eff. February 1, 1976;  
10 Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1,  
11 1990;  
12 Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1,  
13 1990;  
14 Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;  
15 Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;  
16 Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent  
17 rule becomes effective, whichever is sooner;  
18 Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;  
19 Temporary Amendment Eff. November 1, 1998;  
20 Amended Eff. April 1, 1999;  
21 Temporary Amendment Eff. July 1, 1999;  
22 Amended Eff. July 1, 2000;  
23 Temporary Amendment Eff. July 1, 2001;  
24 Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent  
25 amendment effective July 1, 2002 and approved by RRC in May 2001];  
26 Amended Eff. August 1, 2002 (approved by RRC in April 2002);  
27 Temporary Amendment Eff. June 1, 2003;  
28 Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July  
29 17, 2003);  
30 Amended Eff. August 1, 2012; March 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July  
31 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.  
32 Amended Eff. August 1, 2013  
33

**15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE**

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following exceptions:

- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- (2) While boating on or fishing in the following inland fishing waters, no person shall take or possess river herring (alewife and blueback) that are greater than six inches in total length from the inland fishing waters of or possess such herring regardless of origin: coastal rivers and their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam, Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and in all other inland fishing waters east of Interstate 95.
- (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir and Lake Wylie, except that one fish per day may be taken by bow and arrow.
- (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.
- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season.

(c) Nongame fishes, except alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties), blue crab, and bowfin, taken by hook and line, grabbling or by licensed special devices may be sold. Eels less than six inches in length may not be taken from inland waters for any purpose.

(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may only be taken from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. It is unlawful to possess more than 200 freshwater mussels.

(e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means other than hook and line; the daily creel limit for forked tail catfish is six fish in aggregate. Waters to which this creel limit applies shall be posted, as specified in 15A NCAC 10E .0103.

(f) In Lake Norman and Badin Lake, the daily creel limit for blue catfish greater than 32 inches is one fish.

*History Note: Authority G.S. 113-134; 113-272; 113-292;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;  
Temporary Amendment Eff. December 1, 1994;  
Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. July 1, 2002; July 1, 2001;  
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);  
Temporary Amendment Eff. June 1, 2003;  
Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);  
Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.  
Amended Eff. August 1, 2013*



**15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT or personal consumption**

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, and which are under the immediate control and attendance of the individual operating them;
- (5) a hand-held line with a single bait attached;
- (6) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device; with a limit of one line per person and no more than one line per vessel; or
- (7) a collapsible crab trap with the largest open dimension not greater than 18 inches and which by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

(b) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.

(c) Game fishes and their young taken while netting for bait shall be returned unharmed to the water.

(d) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:

- (1) No more than 50 eels, none of which may be less than six inches in length, shall be taken or possessed from inland fishing waters;
- (2) While boating on or fishing in the following inland fishing waters, no river No herring (alewife and blueback) that are greater than six inches in total length shall be taken and no such river herring shall be possessed regardless of origin: taken or possessed from the inland fishing waters of coastal rivers and their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam, Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek, and in all other inland fishing waters east of Interstate 95; and
- (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point.)

(e) Any fishes taken for bait purposes are included within the daily possession limit for that species, if one is specified.

(f) It is unlawful to take nongame fish for bait or any other fish bait from designated public mountain trout waters and:

- (1) Chatham County  
Deep River  
Rocky River  
Bear Creek
- (2) Lee County  
Deep River
- (3) Moore County  
Deep River
- (4) Randolph County  
Deep River below the Coleridge Dam  
Fork Creek

(g) In the waters of the Little Tennessee River, River and the Catawba River upstream of Rhodhiss Dam, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps and bridge crossings, it is unlawful to transport, possess or release live alewife or live blueback herring.

*History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292;*

*Eff. February 1, 1976;*

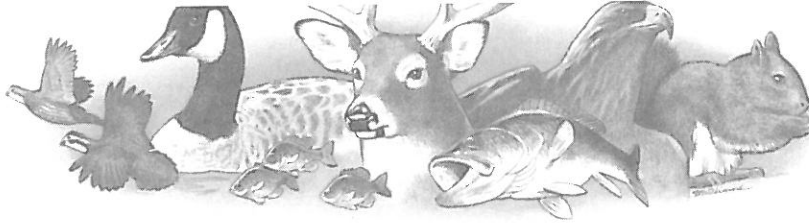
*Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;*



1                   *Temporary Amendment Eff. July 1, 2001;*  
2                   *Amended Eff. July 18, 2002;*  
3                   *Temporary Amendment Eff. June 1, 2003;*  
4                   *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*  
5                   *17, 2003);*  
6                   *Amended Eff. August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006.*  
7                   *Amended Eff. August 1, 2013*

# EXHIBIT D

July 12, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

June 17, 2012

### MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief  
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager  
State & Private Lands Programs 

SUBJECT: Pedestrian Trail Memorandum of Understanding  
Piedmont Land Conservancy  
Mitchell River Game Land

Please find attached an MOU authorizing Piedmont Land Conservancy (PLC) to establish and maintain a pedestrian trail on the Saddle Mountain tract of Mitchell River Game Land in Alleghany County.

Initial trail development involves approximately 2.1 miles of existing infrastructure and 0.4 miles of new construction. Beyond those portions of trail which will utilize existing roads and firebreaks (which we will need to maintain for other purposes anyway), this MOU establishes no financial commitment on the part of WRC. All construction and maintenance (except roads and firebreaks) will be administered by PLC and handled through contracts and/or volunteer efforts.

Note that the MOU identifies trail construction and alignment criteria designed to minimize impacts to game land resources and/or operations. Note also that there is clear and specific "hold harmless" language stipulating that PLC, to include its contractors and/or volunteers, agree to enter the game lands at their own risk and to bear all responsibility for any related damage or injury.

Staff recommends approval.

## **MEMORANDUM OF UNDERSTANDING**

This MEMORANDUM OF UNDERSTANDING, made and entered into by and between **The Piedmont Land Conservancy**; hereinafter referred to as PLC; and the **North Carolina Wildlife Resources Commission**, hereinafter referred to as Commission.

### **WITNESSETH:**

THAT, WHEREAS, PLC is a nonprofit organization with an interest in establishing and maintaining a trail on the Saddle Mountain tract, Mitchell River Game Land (see attached map); and

WHEREAS, construction and maintenance of this trail is for pedestrian travel only and is consistent with the primary use of the land.

### **THIS MEMORANDUM OF UNDERSTANDING IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

1. The term of this Memorandum of Understanding (MOU) shall begin on the date of the last signature below and continue until terminated by either party. The MOU can be amended only by agreement of both parties.
2. PLC and the Commission shall jointly review all proposals for trail construction and maintenance and all projects shall be approved by the Commission before any work commences.
3. PLC shall be responsible for providing, contracting, and paying for all labor and materials needed for construction or maintenance of trails. Any contractors or subcontractors used shall be preapproved by the Commission.
4. The Commission shall maintain all gravel roads or firebreaks that are also utilized as trails.
5. PLC shall construct a portion of the trail through the land currently owned by PLC. Should this land currently owned by PLC be conveyed to the Commission prior to trail construction, the trail will be constructed across the newly acquired Commission property (see attached map).
6. Initial trail construction/maintenance can begin at any time and shall conclude by November 2, 2012. The timing of all subsequent trail construction or maintenance shall be approved by the Commission.
7. Trail construction and maintenance shall occur under the following guidelines.
  - a. Tread width shall be no more than 3 ft. wide, except where the trail follows established gravel roads, logging roads, or firebreaks.

- b. Clearing width shall be no more than 4 ft., or 2 ft. on either side of the actual walkway.
  - c. All clearing should be kept to a minimum and all vegetation to be removed should be cut off flush with the ground.
  - d. The slope of the trail should be maintained at 10% or less. If steeper slopes are unavoidable, waterbars will be constructed to slow runoff.
  - e. Any stream crossings will be limited to fords or bridges designed for foot travel only.
  - f. Any changes to these trail guidelines must be approved by the Commission.
- 8. Trail markers will be limited to a uniform marker jointly agreed upon by PLC and the Commission. Trail markers will not be placed in locations that impede management of the tract or any roads by the Commission.
- 9. The trail routes shall not be altered or the trails relocated unless the established trail route is destroyed through natural disaster and the relocation(s) approved by the Commission.
- 10. The Commission agrees to allow the approved contractor(s) to camp in a mutually agreed upon area on each subject game land during the time of active construction.
- 11. PLC, its contractors, and/or volunteers agree to enter the game lands at their own risk and will be responsible for any damage or injury occurring to any party as a result of their activities, and further agree to hold harmless the State of North Carolina by reason of any claim thereof.
- 12. PLC, its volunteers and/or contractors agree to comply with all game land regulations. Any desired activities that do not comply with game lands regulations shall be preapproved by the Commission.
- 13. All parties agree to jointly review the terms and conditions of this MOU no less frequently than once every five years to insure that it continues to meet the desired intent.

IN WITNESS WHEREOF, the parties hereto have hereunto set the hands and seals, in duplicate, the day and year first above mentioned.

In the presence of:

The Piedmont Land Conservancy

\_\_\_\_\_ By: \_\_\_\_\_

Date: \_\_\_\_\_

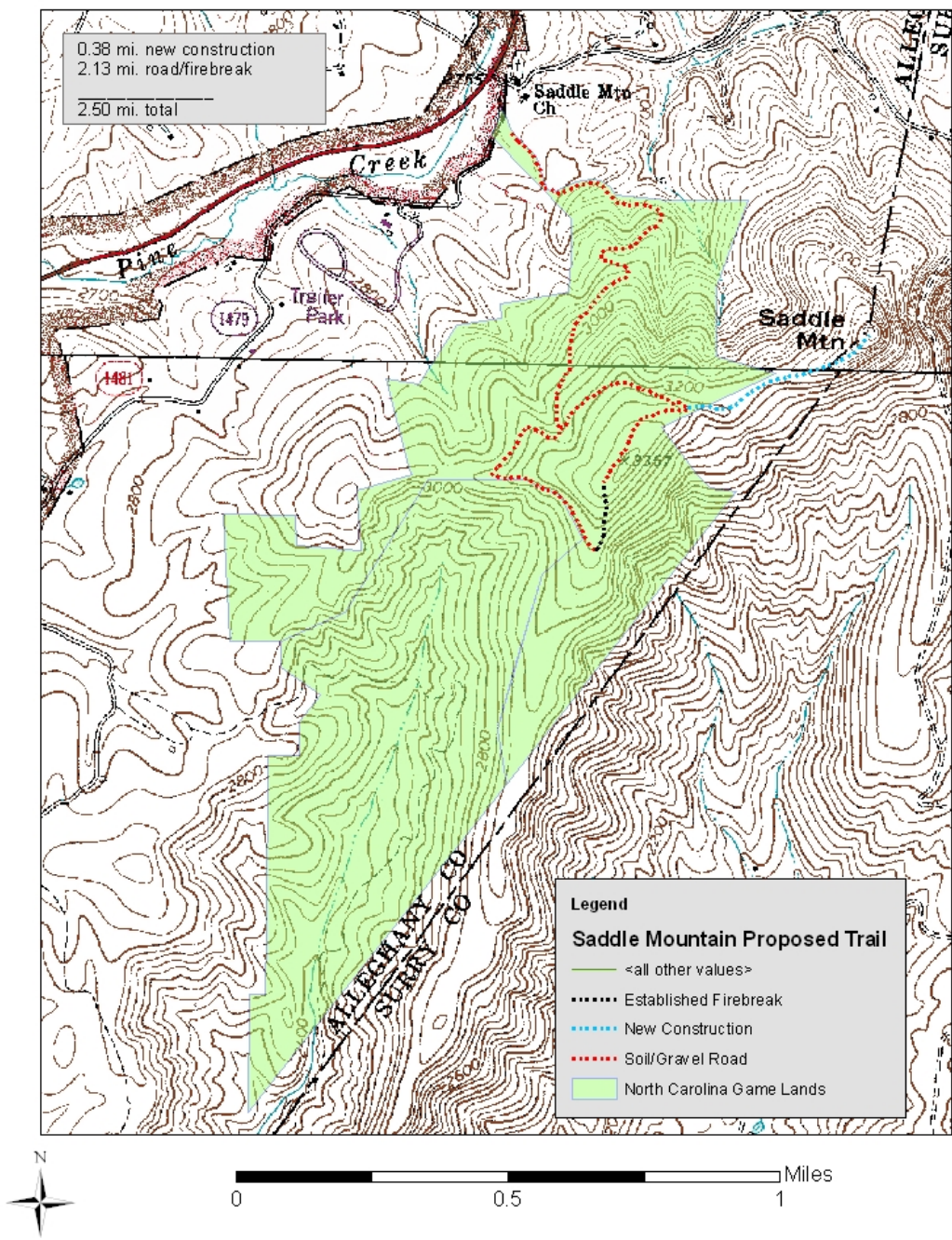
N.C. Wildlife Resources Commission

\_\_\_\_\_ By: \_\_\_\_\_

Gordon S. Myers, Executive Director

Date: \_\_\_\_\_

# Proposed Hiking Trail, Saddle Mountain Tract



# EXHIBIT E

July 12, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

June 17, 2012

### MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief   
Division of Wildlife Management

FROM: Isaac Harrold, Section Manager   
State & Private Lands Programs

SUBJECT: Pedestrian Trails Memorandum of Understanding  
Southern Appalachian Highlands Conservancy  
WRC Pisgah Game Land

Please find attached an MOU authorizing Southern Appalachian Highlands Conservancy (SAHC) to establish and maintain pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of WRC-Pisgah Game Land in Mitchell and McDowell counties.

Initial trail development involves approximately 3 miles of existing infrastructure and 0.1 miles of new construction. Beyond those portions of trail which will utilize existing roads and firebreaks (which we will need to maintain for other purposes anyway), this MOU establishes no financial commitment on the part of WRC. All construction and maintenance (except roads and firebreaks) will be administered by SAHC and handled through contracts and/or volunteer efforts.

Note that the MOU identifies trail construction and alignment criteria designed to minimize impacts to game land resources and/or operations. Note also that there is clear and specific "hold harmless" language stipulating that SAHC, to include its contractors and/or volunteers, agree to enter the game lands at their own risk and to bear all responsibility for any related damage or injury.

Staff recommends approval.



## **MEMORANDUM OF UNDERSTANDING**

This MEMORANDUM OF UNDERSTANDING, made and entered into by and between **The Southern Appalachian Highlands Conservancy**; hereinafter referred to as SAHC; and the **North Carolina Wildlife Resources Commission**, hereinafter referred to as Commission.

### **WITNESSETH:**

THAT, WHEREAS, SAHC is a nonprofit organization with an interest in establishing and maintaining a trail on each of the following game lands tracts: Rose Creek tract, Pisgah Game Land; and Little Tablerock Mountain tract, Pisgah Game Land (see attached maps); and

WHEREAS, construction and maintenance of these trails is for pedestrian travel only and is consistent with the primary use of the land.

### **THIS MEMORANDUM OF UNDERSTANDING IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

1. The term of this Memorandum of Understanding (MOU) shall begin on the date of the last signature below and continue until terminated by either party. The MOU can be amended only by agreement of both parties.
2. SAHC and the Commission shall jointly review all proposals for trail construction and maintenance and all projects shall be approved by the Commission before any work commences.
3. SAHC shall be responsible for providing, contracting, and paying for all labor and materials needed for construction or maintenance of trails. Any contractors or subcontractors used shall be preapproved by the Commission.
4. The Commission shall maintain all gravel roads or firebreaks that are also utilized as trails.
5. Initial trail construction/maintenance can begin at any time and shall conclude by September 29, 2012 on both tracts. The timing of all subsequent trail construction or maintenance shall be approved by the Commission.
6. Trail construction and maintenance shall occur under the following guidelines.
  - a. Tread width shall be no more than 3 ft. wide, except where the trail follows established gravel roads, logging roads, or firebreaks.
  - b. Clearing width shall be no more than 4 ft., or 2 ft. on either side of the actual walkway.
  - c. All clearing should be kept to a minimum and all vegetation to be removed should be cut off flush with the ground.

- d. The slope of the trail should be maintained at 10% or less. If steeper slopes are unavoidable, waterbars will be constructed to slow runoff.
  - e. Any stream crossings will be limited to fords or bridges designed for foot travel only.
  - f. Any changes to these trail guidelines must be approved by the Commission.
- 7. Trail markers will be limited to a uniform marker jointly agreed upon by SAHC and the Commission. Trail markers will not be placed in locations that impede management of the tract or any roads by the Commission.
- 8. The trail routes shall not be altered or the trails relocated unless the established trail route is destroyed through natural disaster and the relocation(s) approved by the Commission.
- 9. The Commission agrees to allow the approved contractor(s) to camp in a mutually agreed upon area on each subject game land during the time of active construction.
- 10. SAHC, its contractors, and/or volunteers agree to enter the game lands at their own risk and will be responsible for any damage or injury occurring to any party as a result of their activities, and further agree to hold harmless the State of North Carolina by reason of any claim thereof.
- 11. SAHC, its volunteers and/or contractors agree to comply with all game land regulations. Any desired activities that do not comply with game lands regulations shall be preapproved by the Commission.
- 12. All parties agree to jointly review the terms and conditions of this MOU no less frequently than once every five years to insure that it continues to meet the desired intent.

IN WITNESS WHEREOF, the parties hereto have hereunto set the hands and seals, in duplicate, the day and year first above mentioned.

In the presence of:

The Southern Appalachian Highlands Conservancy

\_\_\_\_\_ By: \_\_\_\_\_

Date: \_\_\_\_\_

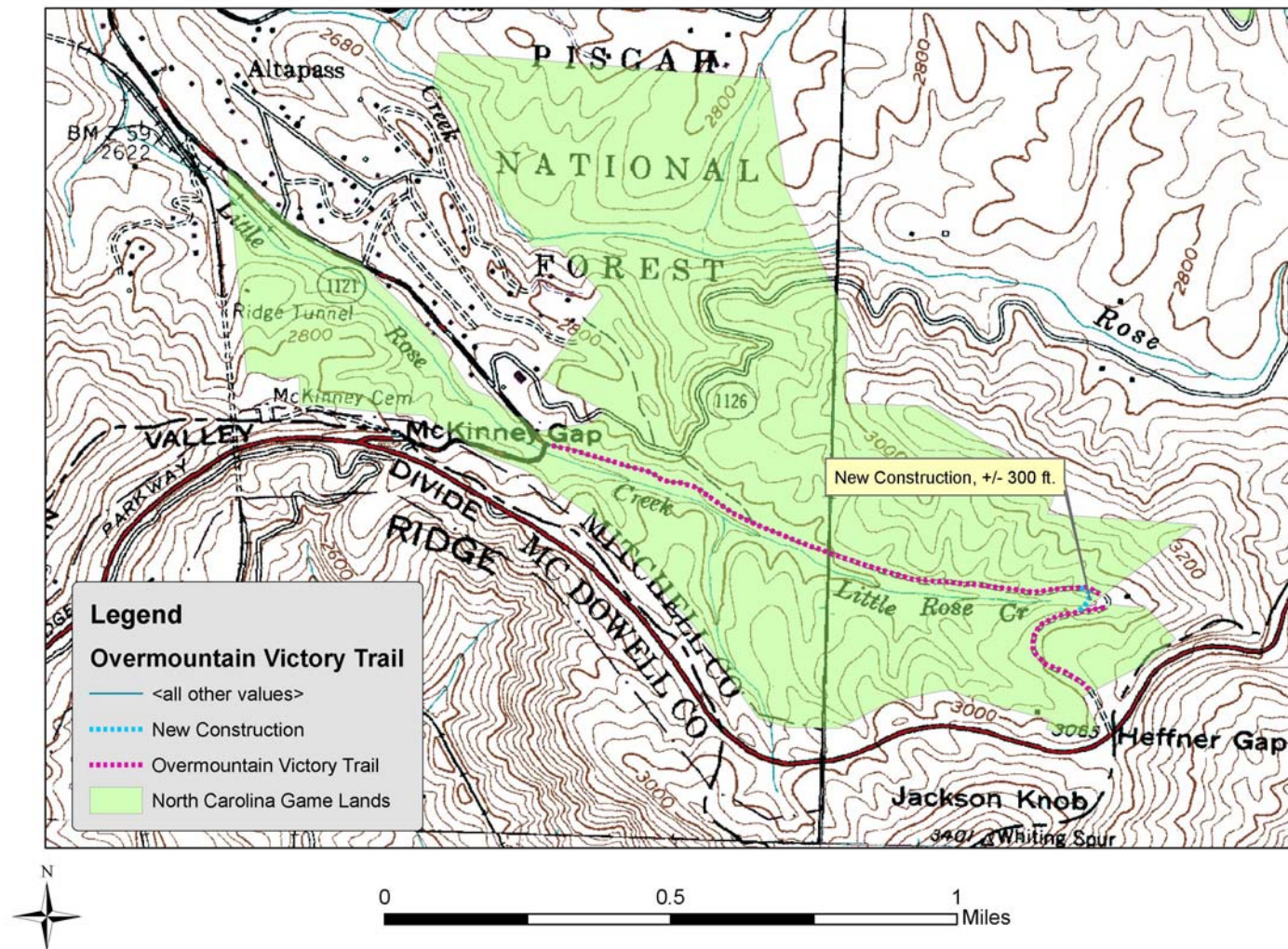
N.C. Wildlife Resources Commission

\_\_\_\_\_ By: \_\_\_\_\_

Gordon S. Myers, Executive Director

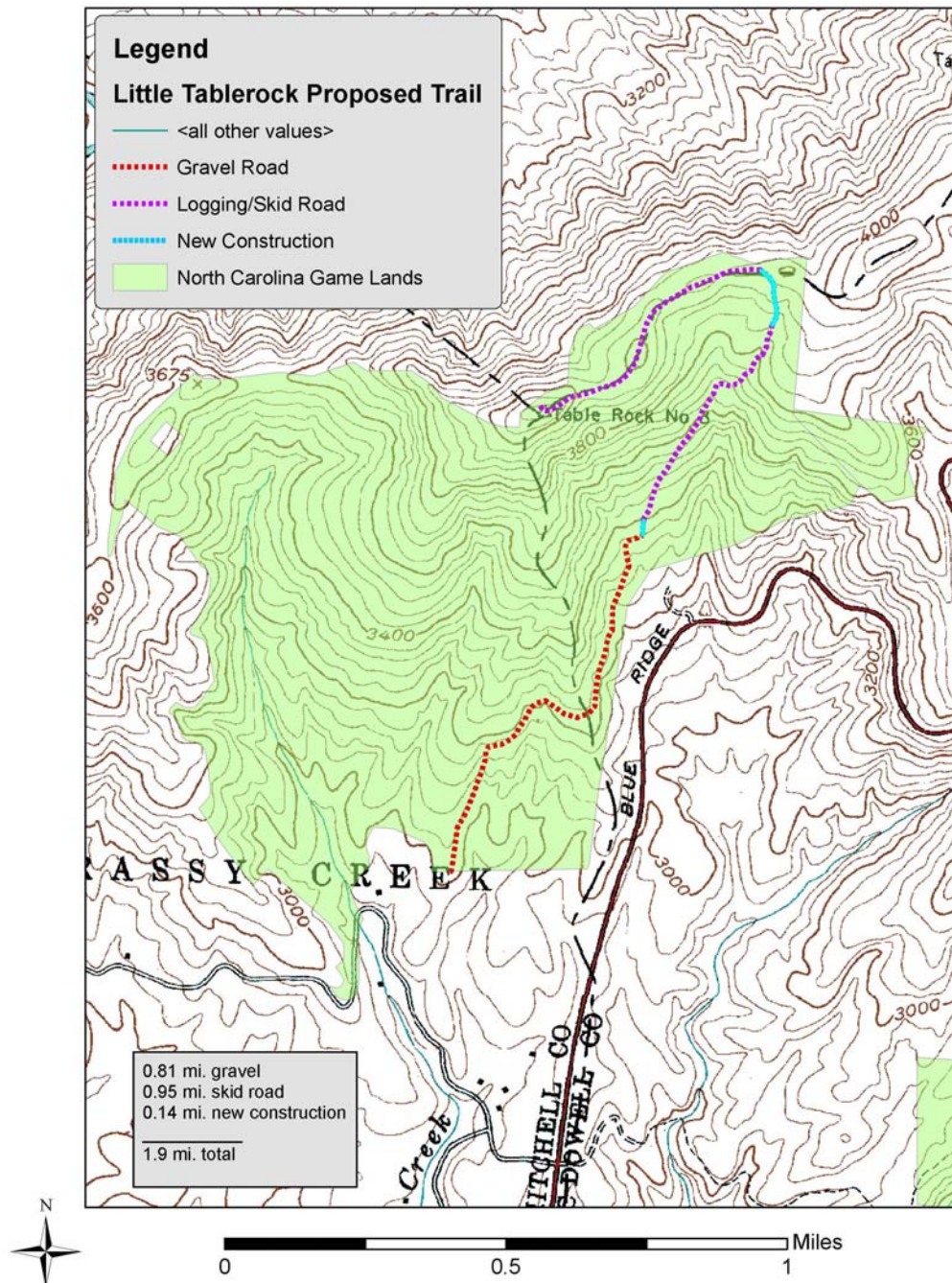
Date: \_\_\_\_\_

# Overmountain Victory Trail, Rose Creek Tract





## Proposed Hiking Trail, Little Tablerock Mtn. Tract





# EXHIBIT F

July 12, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

June 17, 2012

### MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief  
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager  
State & Private Lands Programs 

SUBJECT: Mr. Folger Teague Access Agreement - Buffalo Cove Game Land

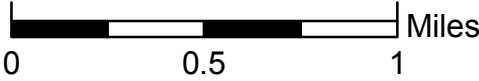
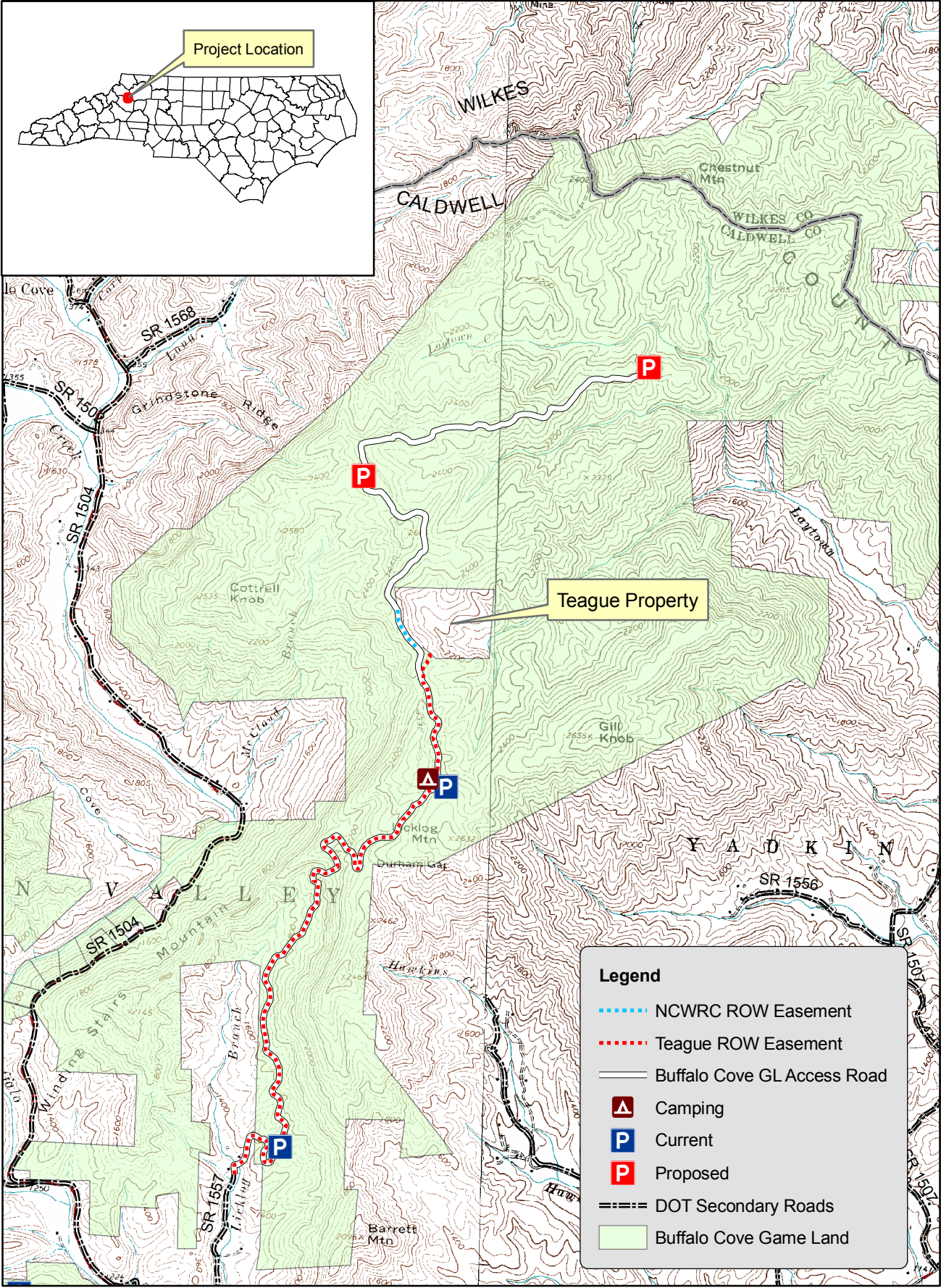
We are currently pursuing details of a federal grant to fund public access improvements on Buffalo Cove Game Land in Caldwell County. This project will require obtaining legal access across a 50 acre inholding owned by Mr. Folger Teague (see map).

Although Mr. Teague has no formal easement, he uses a road located on the game land to access his property. Mr. Teague used this road for access before the property was purchased by the State and, due to his historic use of the road, he could likely gain a prescriptive easement if he chose to pursue one. WRC has likewise used the same road, a portion of which runs just inside of and along Mr. Teague's property boundary, for administrative access without any sort of formal agreement. Before spending public funds for road improvements, it will be in the best interest of WRC to secure legal access across Mr. Teague's property.

The State Property Office has been in contact with Mr. Teague and he is agreeable to formalizing a legal easement that allows public access over his property, in exchange for an easement allowing legal access across the game land to his inholding property.

Staff recommends seeking approval to work with State Property to develop and formalize a reciprocal access easement with Mr. Teague.

# Buffalo Cove Game Land, Proposed ROW Easements



# EXHIBIT G

July 12, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

June 17, 2012

### MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief   
Division of Wildlife Management

FROM: Isaac Harrold, Section Manager   
State & Private Lands Programs

SUBJECT: Dr. James Melton Proposed Property Exchange – Johns River Game Land

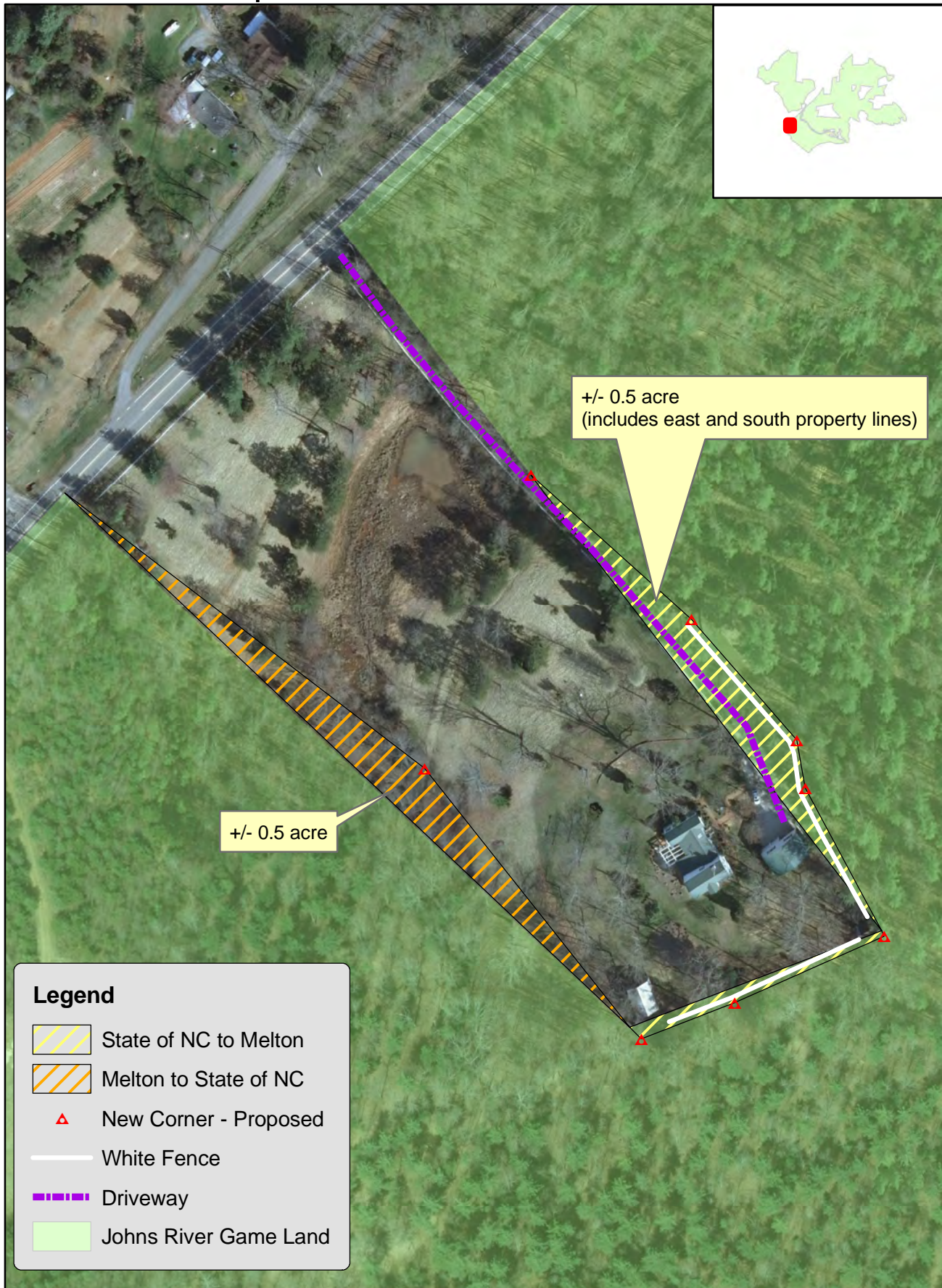
A boundary survey at Johns River Game Land in 2008 revealed several encroachments by adjacent landowners. One of those encroachments involved property owned by Dr. James Melton. Unknown to Dr. Melton, a portion of his driveway and a white vinyl fence are located on State property. Dr. Melton wishes to place his property on the market in the near future and would like to get this encroachment resolved so he can proceed with his plans to sell. Dr. Melton has recently relocated to Tennessee and has hired a Morganton attorney to handle the issue on his behalf.

Staff met with Attorney John Ervin on 6/7/12 to review the encroachment on site and to discuss a potential resolution. After review of the property, the most logical resolution is to trade approximately 0.5 acres of game land containing the driveway and fence for approximately 0.5 undeveloped acres owned by Dr. Melton on the other side of his property (see attached map). This trade would ensure that all of Dr. Melton's improvements are within his property, and would eliminate the encroachment issue on State property identified in the 2008 survey. This exchange, as proposed, would have no negative impact on public use or management of game land. Dr. Melton has reviewed the proposal and it meets his approval. If approved, State Property advises it would take about three months to secure additional required approvals from Council of State and the Clean Water Management Trust Fund (funding partner) and to close on the transaction.

Staff recommends seeking approval to work with State Property to pursue the proposed property exchange with Dr. Melton.



# Melton Property, Johns River Game Land Proposed Encroachment Solution









**EXHIBIT H**  
July 12, 2012

# **NORTH CAROLINA BLACK BEAR MANAGEMENT PLAN 2012-2022**

**North Carolina Wildlife Resources Commission**



Funding for 2012-2022 Black Bear Management Plan was partially provided through a Pittman-Robertson Wildlife Restoration Grant. The Federal Aid in Wildlife Restoration Act, popularly known as the Pittman-Robertson Act, was approved by Congress on September 2, 1937, and began functioning July 1, 1938. The purpose of this Act was to provide funding for the selection, restoration, rehabilitation and improvement of wildlife habitat, wildlife management research, and the distribution of information produced by the projects. The Act was amended October 23, 1970, to include funding for hunter training programs and the development, operation and maintenance of public target ranges.

Funds are derived from an 11% Federal excise tax on sporting arms, ammunition, and archery equipment, and a 10% tax on handguns. These funds are collected from the manufacturers by the Department of the Treasury and are apportioned each year to the States and Territorial areas (except Puerto Rico) by the Department of the Interior on the basis of formulas set forth in the Act. Funds for hunter education and target ranges are derived from one-half of the tax on handguns and archery equipment.

Each state's apportionment is determined by a formula which considers the total area of the state and the number of licensed hunters in the state. The program is a cost-reimbursement program, where the state covers the full amount of an approved project then applies for reimbursement through Federal Aid for up to 75 percent of the project expenses. The state must provide at least 25 percent of the project costs from a non-federal source



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## INTRODUCTION

### Statutory Responsibilities of the North Carolina Wildlife Resources Commission

In 1947, the North Carolina Wildlife Resources Commission (NCWRC) was created by the North Carolina General Assembly (NCGA) to protect and manage the wildlife resources of the state. The following excerpt from the NCWRC employee handbook summarizes how the efforts of various stakeholders led to the development of the NCWRC:

“Prior to 1947, the wildlife conservation program in North Carolina was part of the Department of Conservation and Development. Hunters, anglers, and conservationists across the state were dissatisfied with the low emphasis given wildlife programs under the Department of Conservation and Development and wanted their license dollars spent in a productive and accountable manner on fish and wildlife management and enforcement activities. The result of their coordinated effort was unanimous enactment of the Wildlife Resources Law of 1947 that established the agency known as the Wildlife Resources Commission that continues today.”

At the time of the NCWRC’s inception, the NCGA obligated the agency, through Chapter 143, Article 24, to the conservation and management of the state’s fish and wildlife resources.

#### **§ 143-239. Statement of purpose.**

The purpose of this Article is to create a separate State agency to be known as the North Carolina Wildlife Resources Commission, the function, purpose, and duty of which shall be to manage, restore, develop, cultivate, conserve, protect, and regulate the wildlife resources of the State of North Carolina, and to administer the laws relating to game, game and freshwater fishes, and other wildlife resources enacted by the General Assembly to the end that there may be provided a sound, constructive, comprehensive, continuing, and economical game, game fish, and wildlife program directed by qualified, competent, and representative citizens, who shall have knowledge of or training in the protection, restoration, proper use and management of wildlife resources. (1947, c. 263, s. 3; 1965, c. 957, s. 13.)

Since 1947, the WRC has been dedicated to our responsibilities to manage the state's fish and wildlife resources, including our legal responsibility for managing the state’s black bear (*Ursus americanus*) populations. Our bear-related policies and programs are based on scientifically sound resource management, assessment and monitoring, applied research, and public input (Appendix A).

### Role of the Black Bear Committee

The Division of Wildlife Management’s (DWM) Black Bear Committee (BBC) was created in 1991. The goal of the BBC was to bring together NCWRC biologists from around the state to provide a sounding board for the Black Bear Project Biologist and Surveys and Research Program Coordinator as they developed plans and recommendations related to black bear management. Over time, the role of the BBC has evolved as more responsibility has been given



to members of the committee in providing recommendations with management decisions (Appendix B). The BBC served as the lead instrument in developing the 2012-2022 Black Bear Management Plan (BBMP).

The current BBC composition developed over the years as needs arose for personnel with specific expertise in certain areas. The current BBC members remain members until they retire or resign from NCWRC, request to be removed from the Committee, are reassigned, or change positions. Any recommended changes in committee composition or designated representatives for members listed above will be submitted by the committee to the Division of Wildlife Management for approval.

The current BBC is composed of the following DWM personnel:

Surveys and Research Program

Black Bear and Furbearer Biologist (Colleen Olfenbuttel, Committee Chairman)

Surveys and Research Program Coordinator (David Sawyer)

Land Management Program

Western Region Land Management Supervisor (Gordon Warburton)

Private Lands Program

Eastern Region Private Lands Supervisor or designated representative  
(Robbie Norville)

Central Region Private Lands Supervisor or designated representative  
(Ken Knight)

Western Region Private Lands Supervisor or designated representative  
(Mike Carraway)

Private Lands Program Coordinator  
(Brad Howard)

The following DWM biologists attend as desired:

Wildlife Management

Chief, Division of Wildlife Management (David T. Cobb, Ph.D.)

Section Manager, Surveys & Research and Wildlife Diversity Programs (Perry Sumner)

Section Manager, State and Private Lands (Isaac Harrold)

This composition allows for better representation of “supervisory” personnel responsible for setting work plans and agendas for the respective regions. Most of the data collection efforts of the Black Bear Program (BBP) are accomplished with assistance from personnel supervised by the Game Lands and Private Lands program supervisors, and including these supervisors in the decision making process should improve and stabilize data collection efforts. Additionally, the supervisors’ participation in the process should foster a positive working environment among programs.

## **Development and Overview of the Black Bear Management Plan**

The first and only BBMP for the state of North Carolina (NC) was developed in 1981. Since the development of the 1981 plan, the State's black bear populations have grown dramatically despite increasing human populations. The "success-story" of the black bear recovery in the state has not been without consequences. The ever-adaptable black bear conjures diverse images in the minds of citizens ranging from Disney's "Winnie the Pooh" to one of a dangerous predator. The truth actually lies somewhere in-between depending on circumstances and one's point of view.

Managing a large carnivore in a state with a diverse and increasing human populations and associated development requires NCWRC staff to address management issues never before experienced in NC. The recovery of the black bear has created complicated challenges related to a variety of topics including bear hunting, bear hunting techniques (Appendix C), human/bear interactions, management of bear habitat, law enforcement, and many others. In order to more effectively manage black bears now and in the future, the BBC was charged with developing a new statewide BBMP, scheduled to be completed by July 1, 2012.

Herein, we will describe the history, status, and future management direction of bears in NC, as well as provide a framework for achieving the goals and objectives identified in the BBMP. By formalizing a process for attaining our goal, this plan will assist the NCWRC's Board of Commissioners, NCWRC administrators and staff, and the public in addressing current and future bear issues. Meeting the goal will require the successful management of conflicts between bears and people, public acceptance of management tools (e.g., hunting), and maintaining bear habitats.

The BBC based the 2012-2022 BBMP on biologically-sound management principles, with incorporation of public values. To ascertain the public's views regarding bears, bear management and bear hunting, the NCWRC conducted surveys of both North Carolina citizens and North Carolina bear hunters in 2005 (Palmer 2006, Palmer 2009). Results from the surveys were reviewed by the BBC and incorporated into the 2012-2022 BBMP. In addition, a draft of the BBMP was posted on the NCWRC website ([www.ncwildlife.org](http://www.ncwildlife.org)) from June 2011 through November 2011 in order to solicit public comments. Comments that were relevant to the BBMP were reviewed in January 2012 by the BBC.

## **Process for Changes to the Black Bear Management Plan**

Future evaluations and revisions to the BBMP will be addressed by the BBC. The BBC will review the 2012-2022 BBMP at least every 10 years and identify issues or sections of the plan which need to be addressed, modified, removed, or added. Proposed changes to the BBMP will be submitted to the DWM Chief for decisions regarding the propriety of the changes and the need for discussion with the director's office and/or the NCWRC's Board of Commissioners.

# EXHIBIT I

July 12, 2012



**Conservation Recommendations  
for Priority Terrestrial  
Wildlife Species and Habitats  
in North Carolina**



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BOG TURTLE

BOG HABITAT

## SECTION 1. INTRODUCTION

### 1.1 Background

Wildlife is a key component of healthy, functioning ecosystems in North Carolina. Healthy ecosystems produce the raw materials, such as clean air, clean water, food, and fiber, upon which our economy depends. The production of these economically valuable services relies in part on the daily activities and life cycle routines of native wildlife species. In the absence of native wildlife, ecosystems are more easily degraded and susceptible to disease and non-native species invasion. Decreases in ecosystem services and less opportunity for wildlife-based recreation, a growing base of tourist dollars for North Carolina, hurts the economy. To promote the economic benefits associated with healthy wildlife and ecosystems, efforts to protect them must be considered in our growth and economic development agenda. Likewise, protection of wildlife and ecosystems preserve opportunities for future generations to reap the benefits of abundant ecosystem services and to enjoy, view, and learn about the spectacular native species that live in our state.

Wildlife is a public resource. The North Carolina Wildlife Resources Commission is charged with conserving, protecting, restoring, and perpetuating the state's wildlife. Yet the agency does not have regulatory authority over most of the habitat on which these animals depend. Therefore, private landowners, local governments, and the public have a shared responsibility to protect and maintain wildlife resources for present and future generations.

Negative impacts associated with rapid development in North Carolina pose significant threats to wildlife species and habitats identified as conservation priorities in North Carolina's Wildlife Action Plan. When residential and commercial development occurs in a pattern that does not take the needs of wildlife into consideration, the result is a landscape with fragmented and degraded habitats that are unable to support populations of sensitive species.

In August 2002, the North Carolina Wildlife Resources Commission published a guidance memorandum<sup>1</sup> to assist local governments in addressing cumulative and secondary impacts associated with public projects. The 2002 guidance memorandum presents measures that, if adopted, will minimize cumulative and secondary impacts to threatened and endangered aquatic species (e.g., fishes and mussels) as well as terrestrial (land-based) species that are associated with riparian systems. In particular, the 2002 document was designed to improve the environmental review process, and help that process fully address cumulative and secondary impacts.

Because several groups of terrestrial species have habitat requirements that are not adequately addressed in the 2002 document, one goal of this document is to fill this information gap. This document is intended to supplement the 2002 guidance memorandum. However, this document also differs from the 2002 guidance memorandum in two ways. First, terrestrial species and habitats receive far less regulatory protection than aquatic species, so they are often not subject to the environmental review process. Second, this

<sup>1</sup> N.C. Wildlife Resources Commission. (2002). *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality*.



document does not just focus on cumulative and secondary impacts to these species and habitats; instead, this document presents conservation recommendations that can assist stakeholders in avoiding, minimizing, and mitigating for all types of impacts to terrestrial wildlife: direct, indirect, cumulative, and secondary.

## 1.2 Purpose

The purpose of this document is to present science-based recommendations that will assist local governments, developers, and other stakeholders in conserving and managing terrestrial wildlife habitats and species for future generations, particularly in North Carolina's urbanizing landscapes.

The document was created through a comprehensive review and synthesis of scientific literature, and will be updated as new science is made available. The recommendations presented in this document were developed based on expert review of what the best available science tells us about different "conservation thresholds." A conservation threshold is "information on potential threshold responses of species and habitats to development activities,"<sup>2</sup> such as the minimum amount of upland habitat needed around a wetland for reptiles and amphibians to persist.

The conservation recommendations in this document can be used to guide land use planning, land development, and natural resource management efforts across the state. Because the primary audiences are local governments and the development community, we did not conduct a comprehensive review of habitat management practices. We have included general management recommendations that can be used by natural resource managers, particularly in town and county parks and recreation departments. However, a full treatment of management recommendations was beyond the scope of this document. Where available, we reference publications that provide a synthesis of best management practices for each habitat type.

The recommendations, if implemented, should improve the probability that these habitats will support most of the priority species associated with them. Where it is impractical to follow all of the recommendations, there still will be a value in following them to the largest extent possible, though the probability of persistence for some of the more sensitive species will be reduced. The recommendations are intended to help North Carolina's decision makers compose proactive land use decisions that incorporate the needs of terrestrial wildlife. These recommendations are not regulatory.

## 1.3 Methods

The recommendations in this document, and the companion scientific justification document (Appendix C) are the culmination of an extensive review and synthesis of scientific literature. This process started in meetings of the advisory committee, which was composed of experts from the North Carolina Wildlife Resources Commission, U.S. Fish and Wildlife Service, North Carolina Natural Heritage Program, and North Carolina State University. The committee identified habitats that are most threatened by development in North Carolina and created a list of priority species from the NC Wildlife Action Plan that were dependent upon those habitats. The committee also identified groups of species that are affected by development but that are not exclusively dependent upon any one habitat type.

These lists of species, or species groups, formed the basis of the literature review. Experts on each habitat type were contacted for feedback on species lists and for literature recommendations. For each species group, species names, habitat types, and keywords were entered into the Web of Science literature database. Upon retrieving and reviewing all relevant publications, findings were summarized and synthesized to form the scientific justification document (Appendix C).

Preliminary conservation recommendations were then developed based on review of the scientific justification, and these recommendations were presented to the advisory committee. After the advisory committee reached consensus on recommendations related to each habitat type, this document was compiled. Finally, this document was subjected to an extensive peer review process, and edits were made based on feedback from external experts. See page 25 for the list of reviewers.

## 1.4 Document Structure

This document presents conservation recommendations for most of the habitats in North Carolina. A separate section is dedicated to each habitat type. In each section, the habitat is defined, recommendations are presented, and selected references are listed. Appendix A defines terms used throughout the document. Appendix B presents a more detailed description of methodology. Appendix C presents the scientific justification used to develop these recommendations, and Appendix D contains the bibliography.

Although this document presents conservation recommendations for many habitat types in North Carolina, recommendations were not developed for all habitats in need of conservation action. Due to time constraints, we were

unable to complete literature review and develop recommendations for 1) beach and dune habitats and 2) heron rookeries. We hope to address these habitats in future versions of this document.

In addition, recommendations were not developed for certain imperiled habitats described in section 1.5.

### 1.5 Imperiled Habitats

Much of this document focuses on ways to minimize the impacts of development on habitats that are still found in significant quantities throughout the state. Our goal is to present ways to develop adjacent to or within these habitat types without eliminating their suitability for local wildlife populations. However, several other habitat types have been reduced in quantity to the point that any impacts to them should be avoided altogether. These habitat types include Spruce-Fir Forests, Maritime Forests, Coastal Peatlands, Estuarine Islands, and Inlet Spits. Because these habitat types are so rare and threatened, we did not develop land use recommendations for these habitats. *Our recommendation is to avoid impacting them altogether.* Therefore, these habitats are not treated like the other habitats in this document. Brief descriptions and a few key recommendations are provided below.

**SPRUCE-FIR FORESTS** ● Spruce-fir forests occur at elevations above 4,000 feet and are often comprised of Red Spruce, Fraser Fir, or components of northern hardwood and Northern Red Oak forests. Threats to Spruce-Fir forests include residential and recreational development, air pollution, non-native insects (especially the Balsam Wooly Adelgid), and climate change. This habitat is known as one of the most endangered ecosystems in the United States.

These forests are used by a variety of breeding birds of conservation concern such as Magnolia Warbler and Red Crossbill. In addition, the Carolina Northern Flying Squirrel, Northern Saw-Whet Owl, Black-Capped Chickadee, and Long-Tailed Shrew, use these forests, as do state-listed Pygmy Salamander and Weller's Salamander.

When development must occur in this habitat, contact the US Fish and Wildlife Service (see <http://www.fws.gov/asheville/htmls/generalinfo/aboutasheville.html>) to identify potential impacts to the Carolina Northern Flying Squirrel.

**MARITIME FORESTS** ● Maritime Forests are found along barrier islands and the mainland coast on stabilized upper dunes and flats that are protected from salt water flooding and spray. Maritime forests are dominated by Live Oak, Sand Laurel Oak, Loblolly Pine, Yaupon Holly, Groundsel Tree, and

Coastal Red Cedar. These habitats are important breeding and migration stopover points for many migratory birds, and are key breeding areas for declining populations of the Eastern Painted Bunting.

The condition of maritime forests in North Carolina is extremely poor, and these habitats are among the most endangered in the state. Maritime Forest habitat is considered "high ground," and is some of the only suitable land for building close to beaches. Due to population growth and the explosion of second homes on North Carolina's coast, residential and commercial coastal development has eliminated most the state's Maritime Forest habitat. Species of conservation concern that use this habitat type include Eastern Painted Bunting, Northern Yellow Bat, Oak Toad, Southern Dusky Salamander, Eastern Spadefoot, Northern Scarlet Snake, Outer Banks Kingsnake, and Eastern Coachwhip.

**COASTAL PEATLANDS** ● Coastal Peatlands include Pocosins, Pond Pine Woodlands, Atlantic White Cedar Forests, Bay Forests, and Coastal Depressions. Most of these coastal wetlands in private ownership have been drained and converted to pine plantations, agriculture, or development. In addition to drainage, reduced fire regimes have led to reductions in the quality of coastal peatland habitat. Species of conservation concern that use coastal peatland habitats include Pine Barrens Treefrog, Many-Lined Salamander, Worm-eating Warbler, and Wayne's Black-throated Green Warbler.

**ESTUARINE ISLANDS & INLET SPITS** ● Estuarine islands and inlet spits are found along the mainland coast and barrier islands of North Carolina. Estuarine islands can be either natural or created by dredged material. Inlet spits are accumulations of sand and sediment that develop within oceanic inlets. Spits can form at the ocean and bay sides of inlets. Estuarine Islands & Inlet Spits are particularly important nesting habitats for several priority species of colonial waterbirds, including terns, skimmers, pelicans, wading birds, and American Oystercatchers. These habitats are threatened by beach stabilization projects and other development activities along the North Carolina coast.

# **EXHIBIT J-1**

**July 12, 2012**

## **Proposed Regulations Frameworks for 2012–13 Early Hunting Seasons on Certain Migratory Game Birds**

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of Interior approved the following proposals for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2012, and March 10, 2013. These frameworks are summarized below.

### **General**

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (e.g., tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

### **Flyways and Management Units**

#### **Waterfowl Flyways:**

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

#### **Management Units**

##### **Mourning Dove Management Units:**

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

**Woodcock Management Regions:**

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

**Definitions**

*Dark geese:* Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species, except light geese.

*Light geese:* snow (including blue) geese and Ross's geese.

**Waterfowl Seasons in the Atlantic Flyway**

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

**Special September Teal Season**

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

Central Flyway—Colorado (part), Kansas, Nebraska (part), New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 4 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset, except in Maryland, where the hours are from sunrise to sunset.

**Special Youth Waterfowl Hunting Days**

Outside Dates: States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

### **Scoter, Eider, and Long-tailed Ducks (Atlantic Flyway)**

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

### **Special Early Canada Goose Seasons Atlantic Flyway**

#### **General Seasons**

Canada goose seasons of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any general season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

### **Common Moorhens and Purple Gallinules**

Outside Dates: Between September 1 and the last Sunday in January (January 27) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late season frameworks, and no frameworks are provided in this document.



Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

### **Rails**

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 27) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the 2 species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 daily and 25 in possession, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

### **Common Snipe**

Outside Dates: Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

### **American Woodcock**

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 22) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

### **Doves**

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may

select hunting seasons and daily bag limits as follows:

### **Eastern Management Unit**

**Hunting Seasons and Daily Bag Limits:** Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

**Zoning and Split Seasons:** States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

### **Special Falconry Regulations**

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

**Extended Seasons:** For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

**Framework Dates:** Seasons must fall between September 1 and March 10.

**Daily Bag and Possession Limits:** Falconry daily bag and possession limits for all permitted migratory game birds must not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

**Regular Seasons:** General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag and possession limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

# EXHIBIT J-2

July 12, 2012

## 2012 Early Season Migratory Game Bird Season Options Response to internet questions

ES1. Mourning dove gun season dates

Of the following season date options for mourning doves, which do you prefer?

- Option 1. Season dates should be kept similar to past years **28 responses**
- Option 2. Some days should be taken from the early segment (typically early September thru early October) with those days added later in the year (November and December) **5 responses**
- Option 3. No comment **1 response**

ES2. Mourning dove shooting hours

In regards to shooting hours for mourning doves, which do you prefer?

- Option 1. Noon until sunset for opening day only then ½ hour before sunrise until sunset for the remainder of the season (similar to last year) **14 responses**
- Option 2. ½ hour before sunrise until sunset for the entire season **11 responses**
- Option 3. No comment **1 response**

ES3. Woodcock gun season dates

Of the following season date preferences for woodcock, which do you prefer?

- Option 1. mid-December through late January (similar to last year) **8 responses**
- Option 2. Shift the entire season earlier in the year (mid-November through late December) **No response**
- Option 3. No comment **3 responses**

ES4. Snipe gun season dates

Of the following season date options for snipe, which do you prefer?

- Option 1. mid-November through February (similar to last year) **7 responses**
- Option 2. Shift the season to earlier in the fall **1 response**
- Option 3. No comment **2 responses**

ES5. Rail, gallinule and moorhen gun season dates

Of the following season date options for rails, gallinule and moorhen, which do you prefer?

- Option 1. September through mid-November (similar to last year) **4 responses**
- Option 2. Shift the season to later in the fall/winter **No response**
- Option 3. No comment **2 responses**

ES6. September teal gun season dates

Of the following date options for the September teal season, which do you prefer?

**(Note: This season occurs only in the area east of U.S. Highway 17)**

- Option 1. Early September **4 responses**
- Option 2. Mid-September **No response**
- Option 3. Late September (similar to last year) **20 responses**
- Option 4. No comment **2 responses**

ES7. Extended falconry season dates for doves

Guidelines for extended falconry seasons include:

1. The season must fall between September 1 and March 10
2. Days allocated to the gun season + extended falconry days may not exceed 107

Of the following extended falconry season options for doves, which do you prefer?

- Option 1. Days should occur early in this time period (September, October, November) **1 response**
- Option 2. Days should occur later in the time period (December, January, February) **1 response**
- Option 3. No comment **3 responses**

ES8. Extended falconry season dates for rails, gallinules and moorhens

Guidelines for extended falconry seasons include:

1. The season must fall between September 1 and March 10
2. Days allocated to the gun season + extended falconry days may not exceed 107

Of the following extended falconry season options for rails, gallinules and moorhens which do you prefer?

- Option 1. Days should occur early in this time period (October, November and December) **No response**
- Option 2. Days should occur later in the time period (January, February, March) **1 response**
- Option 3. No comment **3 responses**

ES9. Extended falconry season dates for woodcock

Guidelines for extended falconry seasons include:

1. The season must fall between September 1 and March 10
2. Days allocated to the gun season + extended falconry days may not exceed 107

Of the following extended falconry season options for woodcock, which do you prefer?

- Option 1. Days should occur early in this time period (October, November and December) **No response**
- Option 2. Days should occur later in the time period (January, February, March) **1 response**
- Option 3. No comment **3 responses**

O1. Add additional comments regarding other early migratory game bird seasons

- **10 additional comments received**  
See full comments report



## Early Season Regulations Comments Report for 2012

Reg	District	Opinion	Comment	County	Name
ES1	District 9	Option 1		Jackson	DAVIS, JOHN R
ES1	District 8	Option 1	Start Dove Season Sept 1 to allow Dove Hunters to fully enjoy labor day weekend. Remove the 2 days from end of last segment.	Catawba	BOLDON, JEFFREY L
ES1	District 5	Option 1	Start first day of dove hunting season 30 minutes before sunrise like the rest of the season. To hot starting at 12	Guilford	DECKER III, HENRY J
ES1	District 5	Option 1		Orange	DORSETT, HAROLD L
ES1	District 6	Option 1		Davidson	WATKINS, JASON M
ES1	District 2	Option 2	I would like to see the last week or 2 of the Sept season moved to the Nov or Dec season.	New Hanover	BRAME, RICHEN M
ES1	District 3	Option 1		Wake	SCHRAMM, BENJAMIN D
ES1	District 3	Option 1		Wake	KIRBY JR, HARRY T
ES1	District 6	Option 1	I'm noit sure how changing the current dates would effect the Dove and other bird populations. I'm sure all hunters would like to do whta's best for bird population to continue to thrive and grow without hunting pressure. This is where we rely on the biologists and NC Wildlife Resources to educate us (NC hunters) as to the best way to manage hunting seasons and dates. Thank you for the opportunity to voice our opinion and comments. Please keep us informed about these and other issues via email. Thanks, Charles Merryman 2351077	Mecklenburg	MERRYMAN, CHARLES W
ES1	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
ES1	District 5	Option 1	Please take advantage of all the days allowed by the federal framework	Guilford	BOYD, JAMES H
ES1	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
ES1	District 2	Option 1		Onslow	DEGAN, BRIAN P
ES1	District 2	Option 1	The Saturday Prior to Labor day should always be a hunting day for doves even if it falls in late August as it does every 6 or 7 years. Many individuals have to work on Labor day, but have the previous Saturday off. I normally only hunt dove that Saturday and the following Monday.	Pender	PRIEST, CHARLES L
ES1	District 6	Option 1	some days should be added late in the season(November and December)	Davidson	RAMSEY, CHRISTOPHER M
ES1	District 7	Option 1	I think we should start sooner , but then again the NC biologist have all the answers and we the people who hunt in the field regular instead of sitting behind a desk dont know a darn thing anyways	Davie	EDWARDS, TODD A
ES1	District 6	Option 1		Rowan	ARMOUR, ALAN L
ES1	District 3	Option 1		Johnston	WELLONS, DANIEL I
ES1	District 4	Option 2		Bladen	PADGETT, THOMAS M
ES1	District 9	Option 1		Henderson	STEPP, RYAN H
ES1	District 6	Option 1		Moore	CAMERON, JAMES B
ES1	District 4	Option 3	Have December Season start a week later and add that week on the end in January.	Bladen	WALDROP, ANDREW I
ES1	District 6	Option 2		Davidson	TESTER, CHRISTOPHER W
ES1	District 5	Option 1		Person	CATES, RICHARD C
ES1	District 8	Option 1		Cleveland	HAMRICK, WILLIAM E

Reg	District	Opinion	Comment	County	Name
ES1	District 2	Option 1	I would like the WRC to petition USFWS to allow us compensatory days for not being able to hunt on Sundays! We lost 9 possible days of dove hunting on that account. An exception was allowed for waterfowl, why not doves??? Thank you. James Gibson, Jr.	New Hanover	GIBSON JR, JAMES F
ES1	District 8	Option 1		Catawba	SEARS, PAUL P
ES1	District 5	Option 1		Lee	BROWN, STEPHEN J
ES1	District 6	Option 1	i would like to see dove season open early morning instead of noon	Davidson	WILLIAMSON, TED F
ES1	District 2	Option 2		Pamlico	SCHLINGER, JOHN R
ES1	District 5	Option 2		Randolph	WASSACK, THOMAS M
ES1	District 5	Option 1		Orange	LAMB JR, JOHN T
ES1	District 2	Option 1		Pamlico	DAVIS, CHRISTOPHER A
ES1	Out of State	Option 1		Out of State	WINN JR, BARCLAY C
ES2	District 2	Option 2		Pamlico	DAVIS, CHRISTOPHER A
ES2	Out of State	Option 2		Out of State	WINN JR, BARCLAY C
ES2	District 5	Option 1	Please make Labor Day Monday shooting hours from noon until sunset.	Randolph	WASSACK, THOMAS M
ES2	District 5	Option 2	Why wait? Do it all season!	Orange	LAMB JR, JOHN T
ES2	District 8	Option 2		Catawba	SEARS, PAUL P
ES2	District 5	Option 1		Person	CATES, RICHARD C
ES2	District 6	Option 1		Davidson	TESTER, CHRISTOPHER W
ES2	District 6	Option 1		Moore	CAMERON, JAMES B
ES2	District 9	Option 2		Henderson	STEPP, RYAN H
ES2	District 4	Option 1		Bladen	PADGETT, THOMAS M
ES2	District 3	Option 1		Johnston	WELLONS, DANIEL I
ES2	District 6	Option 3		Rowan	ARMOUR, ALAN L
ES2	District 2	Option 2		Pender	PRIEST, CHARLES L
ES2	District 6	Option 1	Eliminating the hunting before noon would be an even better option as the all day hunting puts too much pressure on the birds without adequate time to feed.	Rowan	SHAVER, JOSEPH S
ES2	District 2	Option 1		Onslow	DEGAN, BRIAN P
ES2	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
ES2	District 5	Option 2		Guilford	BOYD, JAMES H
ES2	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
ES2	District 2	Option 1	In recent years the first week of the season provided most of the shooting for the year. Beginning at noon for the entire first week seems to provide a better allocation of birds among hunters than dawn shooting.	Craven	HUNTSMAN, GENE R
ES2	District 5	Option 2	i would like to see opening day start 1/2 hour before sunrise.	Durham	CORBETT, JEFFERSON B
ES2	District 3	Option 2		Wake	KIRBY JR, HARRY T
ES2	District 3	Option 2	Not sure why the 1/2 day guidance for opening day is in place.	Wake	SCHRAMM, BENJAMIN D
ES2	District 2	Option 1		New Hanover	BRAME, RICHEN M
ES2	District 6	Option 1		Davidson	WATKINS, JASON M
ES2	District 5	Option 1		Orange	DORSETT, HAROLD L
ES2	District 9	Option 2		Jackson	DAVIS, JOHN R
ES3	District 9	Option 1		Jackson	DAVIS, JOHN R
ES3	District 5	Option 3		Orange	DORSETT, HAROLD L

Reg	District	Opinion	Comment	County	Name
ES3	District 2	Option 3		New Hanover	BRAME, RICHEN M
ES3	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
ES3	District 2	Option 1	This season lines up much better with cold fronts that potentially move more birds into our region	Onslow	DEGAN, BRIAN P
ES3	District 3	Option 1	12/18 - 1/31	Wake	KIRBY JR, HARRY T
ES3	District 9	Option 3		Henderson	STEPP, RYAN H
ES3	District 6	Option 1		Moore	CAMERON, JAMES B
ES3	District 5	Option 1		Person	CATES, RICHARD C
ES3	District 2	Option 1	In the coastal region, woodcock usually do not arrive until the secoond half of December. An early season is useless. A late season is usually excellent.	Craven	HUNTSMAN, GENE R
ES3	District 2	Option 1	Setting the woodcock season the same as last year allows hunts to hunt the month of January when deer season is over. Thus, it is safer for woodcock huners to be in the field when deer hunters are not, as both deer and woodcock hunters use the same habitat.	Carteret	CROSS, FORD A
ES4	Out of State	Option 2	Birds seem to be here in better numbers earlier.	Out of State	WINN JR, BARCLAY C
ES4	District 5	Option 1		Person	CATES, RICHARD C
ES4	District 6	Option 1		Moore	CAMERON, JAMES B
ES4	District 9	Option 3		Henderson	STEPP, RYAN H
ES4	District 2	Option 1		Onslow	DEGAN, BRIAN P
ES4	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
ES4	District 2	Option 1		New Hanover	BRAME, RICHEN M
ES4	District 2	Option 1		Craven	HUNTSMAN, GENE R
ES4	District 5	Option 3		Orange	DORSETT, HAROLD L
ES4	District 9	Option 1		Jackson	DAVIS, JOHN R
ES5	District 5	Option 3		Orange	DORSETT, HAROLD L
ES5	District 2	Option 1		Craven	HUNTSMAN, GENE R
ES5	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
ES5	District 2	Option 1		Onslow	DEGAN, BRIAN P
ES5	District 9	Option 3		Henderson	STEPP, RYAN H
ES5	District 5	Option 1		Person	CATES, RICHARD C
ES6	District 5	Option 3		Person	CATES, RICHARD C
ES6	District 2	Option 3	Last years season set up was perfect. I see no reason to change anything.	Pitt	ODELL, JOHN D
ES6	District 7	Option 3	I would like to see discussion around opening the entire state of NC to early teal season. I have never understood the logic of using US HWY 17 as a boundary. Teal DO and WILL migrate WEST of HWY 17, in huntable numbers, and I believe it is a waste of resource to only open the season to hunters east of 17.	Forsyth	TREXLER, MATTHEW S
ES6	District 7	Option 3	Extend the season to land east of I-95, not just US 17.	Iredell	CARROLL, JOSEPH K
ES6	District 9	Option 4	make it statewide for month of september.	Henderson	STEPP, RYAN H
ES6	District 6	Option 3		Moore	CAMERON, JAMES B

Reg	District	Opinion	Comment	County	Name
ES6	District 9	Option 4	make it statewide for month of september.	Henderson	STEPP, RYAN H
ES6	District 6	Option 3		Moore	CAMERON, JAMES B
ES6	District 6	Option 3	Many hunters west of HWY17 would like to see early teal season extend across the state verses just east of HWY 17. Central and western North Carolina may not get as many teal migrating through the their river basins as there are in the coastal plains, but the majority of hunters west of HWY17 have seen plenty of huntable numbers of teal fly through there early goose hunting spreads. Why should the eastern part of the state have a teal season while those to the west of HWY17 not be able to hunt them without the extra expenditure of fuel cost to get east of HWY17? Especially when there are teal right at the backdoors of most hunters in the central and western part of the state. From talking with many wildlife biologist across the state when they were presented with the question of "why the rest of the state west of HWY17 can't have an early teal season", none of them have seem to be able to give a reason that area west of HWY17 can't support a teal season. It is time to look into making	Davidson	TESTER, CHRISTOPHER W
ES6	Out of State	Option 3		Out of State	WINN JR, BARCLAY C
ES6	District 2	Option 3	I have had great success during the teal season. I also believe that the early October season is a great time to get out and do some early hunting. I wish for the seasons to stay the same.	Pamlico	DAVIS, CHRISTOPHER A
ES6	District 5	Option 3	I recommend North Carolina to make a september teal season available to the western half of north carolina. Many other states have this including Virginia. Many hunters as well as myself would greatly appreciate that.	Guilford	BURGOIS, CHRISTOPHER
ES6	District 5	Option 3	Myself and many others I have talked to would love to see an early teal season for areas west of HWY 17 this year. Last year there was only a teal season for areas east of HWY 17.	Rockingham	GWALTNEY, GREYSON W
ES6	District 5	Option 3		Orange	LAMB JR, JOHN T
ES6	District 5	Option 1	I think NC should have a september teal season west of I-95/Hwy 17 much like VA does.	Guilford	BOYD, KEVIN L
ES6	District 2	Option 3		Onslow	DEGAN, BRIAN P
ES6	District 1	Option 3		Dare	SCARBOROUGH JR, HARVEY D
ES6	District 5	Option 3		Guilford	BOYD, JAMES H
ES6	District 3	Option 3		Wake	KIRBY JR, HARRY T
ES6	District 8	Option 3	Late september sounds good. It would benefit to wait just a little more to open the season so we can make sure we have ample early migrators. Hopefully, this year will not be as mild in terms of temp.	Gaston	SMITH, JACOB K
ES6	District 3	Option 1		Johnston	WELLONS, DANIEL I
ES6	District 6	Option 3		Rowan	ARMOUR, ALAN L
ES6	District 2	Option 3	The birds don't come down until later in September. As late in september as possible is the best option.	Pitt	PRENTICE, MARSHALL W

Reg	District	Opinion	Comment	County	Name
ES6	District 5	Option 1	i prefare the season to start early and last late as possible. Also i love, if it was statewide. Waterfowl hunters in central nc wont see or take as many teal as our eastern nc hunters. why is the coast cater to for this season.... i understand that the majority of the teal will be traveling via atlantic coast and thats my main point to why we in the central area cant hunt the few that make it our way? This will give hunters that arnt able to travel to special zone an opprunity to hunt bluewing teal. This opprunity will be the only opprunity for bluewing teal for year..... especially those outside of the special zone. Thank You for all yall do will limit means.	Durham	CORBETT, JEFFERSON B
ES6	District 9	Option 1		Jackson	DAVIS, JOHN R
ES6	District 2	Option 3		New Hanover	BRAME, RICHEN M
ES6	District 6	Option 3	Now that we are "permanently" allowing a teal season east of US 17 outside of normal federal rules, should it not be time to consider an "experimental" season for the remainder of the state? If it doesn't work out, then don't implement it permanently but at least allow it for 1-3 years for determination.	Davidson	WATKINS, JASON M
ES6	District 5	Option 4		Orange	DORSETT, HAROLD L
ES7	District 5	Option 3		Orange	DORSETT, HAROLD L
ES7	District 3	Option 1		Johnston	WELLONS, DANIEL I
ES7	District 2	Option 3		Onslow	DEGAN, BRIAN P
ES7	District 9	Option 3		Henderson	STEPP, RYAN H
ES7	District 5	Option 2		Person	CATES, RICHARD C
ES8	District 5	Option 2		Person	CATES, RICHARD C
ES8	District 9	Option 3		Henderson	STEPP, RYAN H
ES8	District 2	Option 3		Onslow	DEGAN, BRIAN P
ES8	District 5	Option 3		Orange	DORSETT, HAROLD L
ES9	District 5	Option 3		Orange	DORSETT, HAROLD L
ES9	District 2	Option 3		Onslow	DEGAN, BRIAN P
ES9	District 9	Option 3		Henderson	STEPP, RYAN H
ES9	District 5	Option 2		Person	CATES, RICHARD C
O1	District 3	Option 1	Start the shooting time 30 mins before sunrise, end it 30 mins after sunsel, allow for unplugged shotguns, allow for lead shot, and up the bag limit. Rules to the contrary just harass hunters. Adjust the bag limit if the other rules have too much of a negative effect on bird numbers. The existing rules are hard to remember. (I bet anyone who has hunted enough has accidentally violated one.) They seem like they are intended to discourage - not retain or recruit - hunters.	Wake	GREEN JR, JOHN R
O1	Out of State	Option 1	Please do a more thorough study on impacts of terminating the October Waterfowl Season on 1) Waterfowl recruitment and 2) Wood Duck Box tending / maintenace. Let's not take a step backwards.	Out of State	WINN JR, BARCLAY C
O1	District 5	Option 1	I think the early duck season should run three days instead of four and run from 10/4/2012 to 10/6/2012. Add the other day to the late season.	Guilford	HALL, DANNY S



Reg	District	Opinion	Comment	County	Name
O1	District 1	Option 1	I would like to express my concern for the possibility of getting rid of the october season. The october season is a great opportunity to have a short kickstart to the season after a long break. There are numerous species of ducks in NC during october and the opportunity to kill BW teal is good as well. I have grown to enjoy the times out during october and havent missed the 4 day season in the 20 years I have been hunting in NC. Please reassess your decision and keep this tradition alive in North Carolina.	Tyrrell	WINN III, WENDALL L
O1	District 2	Option 1	Please keep the season dates the same. Also I would like to see the Goose Creek Game Land Impounds changed back to Monday, wednesday and Saturday with Mon and Weds. being free for all hunters. It is a waste of resources not to us it .	Pamlico	DAVIS, CHRISTOPHER A
O1	District 8	Option 1	I am for the early season waterfowl. It is one more chance for us hunters to get out and chase the bluewing teal that migrate early. It's fun and exciting and it's something we've been waiting for all year.	Gaston	SMITH, JACOB K
O1	District 3	Option 1	no comment	Wake	SALTIS, ANTHONY G
O1	District 3	Option 1	I think that we still need to have a early Canada Goose Season.	Johnston	WELLONS, DANIEL I
O1	District 3	Option 1	The dove season starts so early that it is usually 95 degrees outside. It may be beneficial to move the starting date back a couple of weeks.	Johnston	WILE JR, CARL F
O1	District 2	Option 1	I am in favor of keeping the October duck season in NC.	Lenoir	WHALEY JR, WILLIAM C

## 2012-13 Early Season Migratory Game Bird Season Frameworks and DWM Staff Recommendations

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Mourning Dove & White-winged dove	Outside Dates: September 1 – January 15, 70 days with 3 splits daily bag of 15 singly or in the aggregate	September 1 – October 6, November 19 – November 24, December 15 – January 11	15
King & Clapper Rails	Outside Dates: September 1 – last Sunday in January (January 27) 70 days with 2 splits daily bag of 15 singly or in the aggregate	September 1 – November 9	15
Sora & Virginia Rails	Outside Dates: September 1 – last Sunday in January (January 27) 70 days with 2 splits daily bag of 25 singly or in the aggregate	September 1 – November 9	25
Gallinule & Moorhens	Outside Dates: September 1 – last Sunday in January (January 27) 70 days with 2 splits daily bag of 15 singly or in the aggregate	September 1 – November 9	15
Woodcock	Outside Dates: October 1 – January 31 45 days with 2 splits daily bag of 3	December 13 – January 26	3
Common Snipe	Outside Dates: September 1 – February 28 107 days with 2 splits daily bag of 8	November 14 – February 28	8

**EXHIBIT J-3**  
July 12, 2012

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Canada Goose	<p>Outside Dates: September 1 – 30 (statewide), 30 days daily bag of 15</p> <p>Special methods: During the September Canada goose season only, the following expanded hunting methods area allowed:</p> <ol style="list-style-type: none"> <li>1. Extended shooting hours to ½ hour after sunset.</li> <li>2. unplugged guns</li> <li>3. electronic calls</li> </ol> <p>Note: The special methods cannot occur during any other open waterfowl, e.g., teal season.</p>	<p>September 1 – 29 (statewide) <u>Note: September 30<sup>th</sup> is on Sunday.</u></p> <ol style="list-style-type: none"> <li>1. extend shooting hours to ½ hour after sunset</li> <li>2. allow use of unplugged guns</li> <li>3. allow use of electronic calls</li> </ol> <p>These expanded methods are <u>only</u> to be allowed west of U.S. 17.</p>	15
September Teal	<p>Outside Dates: September 1 – 30, 16 days (compensatory days allowed), daily bag of 4, east of U.S. 17 only</p>	<p>September 8 – 26 (East of U.S. 17 only)</p>	4

- Federal guidelines allow for shooting hours for all migratory game birds to be from ½ hour before sunrise to sunset. Staff recommends that this be adopted for all migratory game birds, including doves, for the entire season.
- Possession limit is twice the daily bag except for sora & Virginia rails where the possession limit is equal to the daily bag.

# EXHIBIT J-4

July 12, 2012

## Extended Falconry Season Highlights & DWM Staff Recommendations for 2012-13 Extended Falconry Seasons for Webless Migratory Game Bird Species

### General Restrictions/Guidelines

- Seasons must fall between September 1 and March 10.
- Total days available for falconry cannot exceed 107 (for each species) and includes regular (i.e., gun) seasons, experimental seasons, and extended falconry seasons.
- The falconry daily bag limit is 3 permitted migratory game birds, singly or in the aggregate. The regular (i.e., gun) season bag limits for individual species do not apply.
- The falconry bag limit is not in addition to the gun bag limit.
- Each extended season may be divided into a maximum of 3 segments.

### DWM Staff Recommendations

If the Commission chooses staff recommended “gun” seasons as presented, we recommend the following extended falconry seasons.

Mourning dove	October 13 – November 17
Rails, Gallinule and Moorhens	November 17 – December 22
Woodcock	November 5 – December 8 & February 1 – February 28

# EXHIBIT K-1

July 12, 2012

## PROPOSED CHANGES IN HUNTING, NONGAME, PERMITTING, GAME LAND MANAGEMENT AND CAPTIVE CERVID REGULATIONS FOR 2013-2014 RECOMMENDED BY AGENCY STAFF FOR PUBLIC NOTICE AND PRESENTATION AT NINE PUBLIC HEARINGS

### Deer

- 1) Move the portions of Avery and Yancey counties that are currently in the Introductory Either-Sex deer season (one day) into the Conservative Either-Sex deer season (six days) for all private lands. Keep game land either-sex season as Introductory (one day).

*Amend the following rule:*

*15A NCAC 10B .0203 Deer (White-tailed) (page 10)*

- 2) Remove restrictions on carrying firearms during the deer bow-and-arrow season and pistols during the muzzleloader season in accordance with state law. Allow hunting with muzzleloading pistols.

*Amend the following rule:*

*15A NCAC 10B .0203 Deer (White-tailed) (pages 10-12)*

### Turkeys

- 1) Allow an adult to accompany more than one youth during the one-day Spring Youth Only Wild Turkey Season.

*Amend the following rule:*

*15A NCAC 10B .0209 Wild Turkey (page 13)*

- 2) Create a one week Spring Youth Only Wild Turkey Season from the first Saturday in April through the following Friday. The bag limit for this entire week will be one bird.

*Amend the following rule:*

*15A NCAC 10B .0209 Wild Turkey (page 13)*

### Squirrels

- 1) Open four additional counties to fox squirrel hunting: Stokes, Surry, Watauga, and Wilkes.

*Amend the following rule:*

*15A NCAC 10B .0206 Squirrels (page 14)*

### Alligators

- 1) Remove rule-based barriers for the take of the American alligator.

*Amend the following rules:*

*15A NCAC 10B .0119 Wildlife Collectors (page 15)*

*15A NCAC 10I .0102 Protection of Endangered/Threatened/Special Concern species (page 16)*



## **Dog Training**

- 1) Allow hunters to carry firearms while dog training.  
*Amend the following rule:*  
*15A NCAC 10B .0114 Dog Training and Field Trials (page 18)*

## **Game Lands**

- 1) Increase user fees for the use of the field trial facilities located on the Sandhills Game Lands from the current \$25.00 to \$75.00 for use of the club house only and \$100 to \$200 for the use of the club house and field trial grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 20)*
- 2) Allow open carry of firearms anytime on state-owned game lands and conservation areas.  
*Amend the following rules:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (pages 20)*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 25&28)*  
*15A NCAC 10J .0102 General Regulation Regarding Use of Conservation Areas (page 39)*
- 3) Prohibit the discharge of any firearm on game lands for purposes other than hunting, trapping, or self-defense except in designated target shooting areas.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 19)*
- 4) Allow hunting by special permit on game lands when the seasons for game animals (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) and game birds (all migratory game birds and upland game birds) are closed.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 24)*
- 5) Limit hunting on game lands with weapons legal for open game animal or game bird seasons.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 24)*
- 6) Allow trapping on Sherwood and Harmon Den Bear Sanctuaries  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 21)*
- 7) Allow waterfowl hunting to take place the Monday after Christmas and the Monday after New Year's Day when these two holidays fall on a Sunday.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 37)*
- 8) Allow a youth/adult dove hunt on opening day of dove season on Needmore Game Lands. This hunt would be on posted dove fields by permit only.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 31)*

- 9) Prohibit equestrian use on Perkins Game Land (Davie County).  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 31)*
- 10) Clarify existing regulations that allow muzzleloader and archery deer hunting on the J. Robert Gordon Field Trial Grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 33)*
- 11) Allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds during all open days of the waterfowl season.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 34)*
- 12) Open spring camping season on the game lands on March 31.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 25-35)*

## **Permits**

- 1) Reduce the regulatory burden upon the public in cases of depredation and allow for better utilization of animals taken under depredation permits by making the following changes:
- remove the \$50.00 threshold for depredation,
  - remove the requirement that municipalities attempt Urban Archery for deer overabundance,
  - allow the take of alligators with depredation permits,
  - allow the take of feral swine with depredation permits,
  - allow any animal taken under a depredation permit to be retained for consumption if written on the permit,
  - remove the limit on the number of deer taken without a permit that can be retained for consumption,
  - allow the edible portions of feral swine taken without a permit to be retained for consumption,
  - allow the use of artificial lights in taking wildlife without a permit, and
  - ease reporting requirements for wildlife taken without a permit.

*Amend the following rule:*  
*15A NCAC 10B .0106 Wildlife Taken for Depredation (pages 41-44)*

- 2) In the Commission's rules, separate the disposition of animals killed in an act of depredation or under a depredation permit from those killed accidentally or found dead and reduce prohibitions on possessing dead wildlife. Under this proposal, a person would be able to:
- request authorization to keep a deer or turkey found dead of natural causes or due to a vehicle collision;
  - possess dead raptors and nongame migratory game birds under a federal permit; and
  - possess any other species of wildlife found dead without Commission authorization, except bears and protected species may not be possessed at all.

*Amend the following rule:*

*15A NCAC 10B .0106 Wildlife Taken for Depredation (pages 42&43)*

*Adopt the following rule:*

*15A NCAC 10B .0127 Possession of Wildlife Killed Accidentally or Found Dead (page 45)*

## **Captive Cervids**

- 1) For regulatory purposes, divide captive cervids into two categories:
- a Category 1 cervid — any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer, elk, elk hybrid, moose or any other species of cervid in which the scientific community has documented Chronic Wasting Disease (CWD) and
  - a Category 2 cervid — any species of cervid in which the scientific community has not documented CWD.

Prohibit importation from any U.S. or Mexican state or territory, Canadian province or other country of origin which has documented CWD in a wild or captive cervid herd.

Establish these importation criteria for Category 1 cervids: the individual U.S. or Mexican state or territory, Canadian province or other country of origin for a captive cervid coming into North Carolina must require facility owners to:

- report all cervid deaths within the facility and submit all animals over the age of 12 months for CWD testing;
- place at least two tags on each animal in the facility; and
- record all acquisitions and dispositions to the herd.

Allow importation of a Category 2 cervid from any state/province/country without restrictions, except importation is prohibited from any state/province/country with CWD for Category 2 and Category 1 cervids. Category 2 cervids that are co-mingled, or have been in the past five years, with Category 1 cervids will be held to the same importation standards as Category 1 cervids.

*Amend the following rules:*

*15A NCAC 10B .0101 Importation of Wild Animals and Birds (page 46)*

*15A NCAC 10H .0304 Captive Cervid Herd Certification Program (page 47)*

- 2) Allow new captive cervid licenses. Require these new facilities to have an interior or exterior triple-stranded electric fence placed two feet away from the eight-foot fence that surrounds the pen. Prohibit any person with a captivity license from requesting an additional license or obtaining a new license if one was revoked in the previous two years.

*Amend the following rules:*

*15A NCAC 10H .0301 General Requirements (page 49)*

*15A NCAC 10H .0302 Minimum Standards (page 56)*

- 3) Increase the age for the requirement for CWD testing of deceased captive cervids from six months to 12 months.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 51)*

- 4) Reduce the species of captive cervids that must be tested for CWD upon death from all captive cervids to only Category 1 cervids.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 51)*

- 5) Allow for pen expansion for all captive cervid licensees if the expanded pen is double-fenced with an outer eight-foot high fence and an interior or exterior triple-stranded electric fence.

*Amend the following rules:*

*15A NCAC 10H .0301 General Requirements (page 52)*

*15A NCAC 10H .0302 Minimum Standards (page 56)*

*15A NCAC 10H .0304 Captive Cervid Herd Certification Program (page 47)*

- 6) Allow transportation of captive cervids from any N.C. Certified herd to any other captive cervid herd up to the licensed pen capacity for the receiving herd.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 53)*

## Summary of Proposed Changes to Captive Cervid Program

### *Importation Permit*

<b>Current Restrictions (from 10B .0101 and 10H .0304)</b>	<b>Proposed Restrictions (from 10B .0101 and 10H .0304)</b>
<ol style="list-style-type: none"> <li>1) Only licensees with Certified herds may import.</li> <li>2) May only import from a herd that has not had CWD detected in the past 5 years</li> <li>3) May only import from a herd which has been managed with standards more stringent than or equivalent to N.C. rules.</li> </ol>	<ol style="list-style-type: none"> <li>1) Only licensees with Certified herds may import.</li> <li>2) May not import from any state, province, or other country that has CWD.</li> <li>3) Category 1 cervids may only be imported from a state, province, country that has a monitoring/certification program which requires, for Category 1 cervids: <ul style="list-style-type: none"> <li>• submission for CWD testing all deceased animals over the age of 12 months;</li> <li>• tags, tattoos or otherwise permanently marking all animals over the age of 12 months; and</li> <li>• records kept of all acquisitions and all dispositions in the facility.</li> </ul> </li> <li>4) Category 1 cervids may only be imported from a herd successfully participating in that state's monitoring/certification program.</li> <li>5) Category 2 cervids may be imported from any CWD-free state with no restrictions, unless that cervid comes from a facility that also contains Category 1 cervids, or has been in a facility with Category 1 cervids in the past five years. If a Category 2 cervid comes from a "mixed" herd it is subject to the same importation requirements as a Category 1 cervid.</li> </ol>

### *Testing*

<b>Current Requirement (from 10H .0301)</b>	<b>Proposed Requirement (from 10H .0301)</b>
Mandatory testing of any captive cervid aged six months or older at time of death.	Mandatory testing of any Category 1 cervid aged 12 months or older at time of death.



### *Licenses*

<b>Current Restrictions (from 10H .0301)</b>	<b>Proposed Restrictions (from 10H .0301)</b>
No new licenses issued.	<ol style="list-style-type: none"><li>1) No captivity license for cervids will be issued to someone who already holds a captivity license for cervids.</li><li>2) No captivity license for cervids will be issued to individuals who had a captivity license for cervids revoked within the previous two years.</li></ol>

### *Fencing*

<b>Current Requirement (from 10H .0302)</b>	<b>Proposed Requirements (from 10H .0302)</b>
Each facility must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.	<ol style="list-style-type: none"><li>1) Facilities licensed prior to January 1, 2013 must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.</li><li>2) Facilities licensed after January 1, 2013, must be contained by:<ul style="list-style-type: none"><li>• a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet AND</li><li>• an interior OR exterior triple-strand electric fence placed at least two feet from the outer eight-foot high fence with the bottom electric strand 2 ½ feet above the ground, the middle second strand 3 ½ feet above ground and the top strand five feet above ground</li></ul></li><li>3) Facilities licensed after January 1, 2013, may not contain any wild cervids prior to stocking with captive cervids. Licensees shall ensure all enclosures are devoid of wild deer or elk before stocking with captive cervids.</li></ol>

*Pen Expansion*

<b>Current Restrictions (from 10H .0301 and 10H .0304)</b>	<b>Proposed Restrictions (from 10H .0301 and 10H .0304)</b>
Only licensees with Certified herds may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.	Any licensee may expand a pen or add a new pen but must adhere to the fencing standards set forth for new facilities in 10H .0302. For expanded pens, these standards apply to the entire pen, not just the expanded portion.

*Transportation Permit*

<b>Current Restrictions (from 10H .0301 and 10H .0304)</b>	<b>Proposed Restrictions (from 10H .0301 and 10H .0304)</b>
Transportation allowed for: <ul style="list-style-type: none"><li>• export out of state,</li><li>• to a slaughterhouse for slaughter,</li><li>• to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and</li><li>• from a N.C. Certified Herd to another N.C. Certified Herd.</li></ul>	Transportation allowed for: <ul style="list-style-type: none"><li>• export out of state,</li><li>• to a slaughterhouse for slaughter,</li><li>• to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and</li><li>• from a N.C. Certified Herd to another N.C. captive cervid licensed facility. The receiving facility may not receive more animals than allowed under their licensed pen size.</li></ul>

**15A NCAC 10B .0203 DEER (WHITE-TAILED)**

**(a) Open Seasons (All Lawful Weapons) for hunting deer:**

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons:

(A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus\*, Cumberland, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond\*\*, Robeson, Sampson, Scotland\*\*, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties.

\*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

\*\*Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.

(B) Saturday before Thanksgiving through January 1 in all Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, Wilkes\*, and Yadkin counties.

\*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

(C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Swain, Transylvania, and Yancey counties.

(D) Two Saturdays before Thanksgiving through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

(E) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

(F) Monday of Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of Cleveland and Rutherford counties, except for South Mountain Game Land.

- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph: (Refer to 15A NCAC 10D .0103 for either sex seasons on Game Lands):

(A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.

(B) The open either-sex deer hunting dates established by the appropriate military commands during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) Youth either sex deer hunts. First Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission and the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties;

- and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of ~~Buncombe, \*Haywood, Buncombe\*, Haywood,~~ Henderson, Madison and Transylvania counties. \*\*counties\*\* and the following parts of counties:  
~~Avery: That part south of the Blue Ridge Parkway; and~~  
~~Yancey: That part south of US 19 and US 19E.~~  
 \*except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280  
 \*\*see 15A NCAC 10D .0103 for deer of either sex seasons on game lands that differ from the days identified in this Subparagraph
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Avery, Burke, Caldwell, McDowell, Mitchell and Yancey counties. the following parts of counties:  
~~Avery: That part north of the Blue Ridge Parkway;~~  
~~Yancey: That part north of US 19 and US 19E.~~
- (F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Cleveland, Polk and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln and Gaston counties and in the following parts of counties:  
 Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and  
 Henderson. That part east of NC 191 and north and west of NC 280.
- (b) Open Seasons (Bow and Arrow) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:
- (A) Saturday on or nearest September 10 to the third Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
- (B) Saturday on or nearest September 10 to the third Friday before Thanksgiving in the counties and parts of counties having the open seasons for Deer with Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule except for that portion of Buffalo Cove Game Land in Wilkes County.
- (C) Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (a)(1) of this Rule and in Cleveland and Rutherford counties.
- (D) Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.
- (2) Restrictions
- (A) Dogs may not be used for hunting deer during the bow and arrow season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- ~~(B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season, except:~~
- ~~(i) if the firearm is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina; or~~

- 1 ~~(ii) — the firearm is a .22-caliber rimfire pistol carried for the purpose of dispatching a~~  
2 ~~wounded deer in accordance with G.S. 113-291.1(k).~~  
3 ~~(C)(B) Only archery equipment bows and arrows of the types authorized in 15A NCAC 10B~~  
4 ~~.0116 for taking deer may be used during the bow and arrow deer hunting season.~~
- 5 (c) Open Seasons (Muzzle-Loading Firearms ~~Rifles, Shotguns~~ and Bow and Arrow) for hunting deer:
- 6 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may  
7 be taken only with muzzle-loading firearms and bow and arrow during the following seasons:
- 8 (A) The Saturday on or nearest October 1 to the Friday of the second week thereafter in the  
9 counties and parts of counties having the open seasons for Deer With Visible Antlers  
10 specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek,  
11 Rockfish Creek and Sandhills Game Lands.
- 12 (B) The third Saturday preceding Thanksgiving until the Friday of the second week thereafter  
13 in the counties\* and parts of counties having the open seasons for Deer With Visible  
14 Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.  
15 \*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.
- 16 (C) Monday on or nearest October 1 to the Saturday of the second week thereafter in  
17 Cleveland and Rutherford counties and in the counties and parts of counties having the  
18 open seasons for Deer With Visible Antlers specified by Part C of Subparagraph (a)(1) of  
19 this Rule.
- 20 (D) The fourth Saturday preceding Thanksgiving until the Friday of the second week  
21 thereafter in the counties and parts of counties having the open season for Deer With  
22 Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on  
23 Nicholson Creek, Rockfish Creek and Sandhills Game Lands.
- 24 (2) Restrictions
- 25 (A) Deer of either sex may be taken during muzzle-loading firearms and bow and arrow  
26 season in and east of the following counties: Polk, Rutherford, McDowell, Burke,  
27 Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the last day of this  
28 season muzzle-loading firearms and bow and arrow season in all other counties.
- 29 (B) Dogs shall not be used for hunting deer during the muzzle-loading firearms and bow and  
30 arrow seasons, except a single dog on a leash may be used to retrieve a wounded deer in  
31 accordance with G.S. 113-291.1(k).
- 32 ~~(C) — Pistols shall not be carried while hunting deer during the muzzle-loading firearms and~~  
33 ~~bow and arrow seasons, except:~~
- 34 ~~(i) — a handgun may be carried by an individual with a valid concealed handgun~~  
35 ~~permit. The individual carrying a handgun must adhere to the requirements set~~  
36 ~~forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed~~  
37 ~~handgun permit is not North Carolina; and~~
- 38 ~~(ii) — a .22-caliber rimfire pistol may be carried for the purpose of dispatching a~~  
39 ~~wounded deer in accordance with G.S. 113-291.1(k).~~
- 40 (d) Open Season (Urban Season) for hunting deer:
- 41 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag  
42 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in  
43 participating cities in the state, as defined in G.S. 160A-1(2), from the second Saturday following  
44 January 1 to the fifth Saturday thereafter. Deer shall not be taken on any game land or part thereof  
45 that occurs within a city boundary.
- 46 (2) Participation. Cities that intend to participate in the urban season must send a letter to that effect  
47 no later than April 1 of the year prior to the start of the urban season to the Executive Director or  
48 his designee. Cities must also submit a map of the city's boundaries within which the urban season  
49 shall apply.
- 50 (3) Restrictions:
- 51 (A) Dogs shall not be used for hunting deer during the urban season, except a single dog on a  
52 leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- 53 ~~(B) — It is unlawful to carry any type of firearm while hunting with a bow during the urban~~  
54 ~~season, except:~~
- 55 ~~(i) — if the firearm is a handgun carried by an individual with a valid concealed~~  
56 ~~handgun permit. The individual carrying a handgun must adhere to the~~



requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina; or  
(ii) the firearm is a .22-caliber rimfire pistol carried for the purpose of dispatching a wounded deer in accordance with G.S. 113-291.1(k).

(C)(B) Only archery equipment bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. In and east of Vance, Franklin, Wake, Harnett, Moore and Richmond counties, the possession limit is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the possession limit is six deer, up to two of which may be deer with visible antlers. The season limit in all counties of the state is six deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card on lands others than lands enrolled in the Commission's game land program during any open deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this Rule. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on state-owned game lands. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. July 1, 2000;*  
*Temporary Amendment Eff. July 1, 2002; July 1, 2001;*  
*Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 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, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*  
*Amended Eff. August 1, 2013*

1 **15A NCAC 10B .0209 WILD TURKEY**

2 (a) Open Seasons:

- 3 (1) Spring Wild Turkey Season shall be from the second Saturday in April through the Saturday of the  
4 fourth week thereafter on bearded or male turkeys only in all counties statewide.
- 5 (2) Spring Youth Only Wild Turkey Season: the Spring Youth Only Wild Turkey Season shall be ~~for~~  
6 ~~one day on from~~ the first Saturday in April until the Friday thereafter on bearded or male wild  
7 turkeys only. The bag limit during the Spring Youth Only Wild Turkey season is one bird. For  
8 purposes of this Subparagraph a youth hunter shall be less than 16 years of age. Each youth  
9 hunting during this season shall be accompanied by a properly licensed adult at least 21 years of  
10 age. ~~An adult may accompany only one youth during any particular hunt and only one weapon is~~  
11 ~~allowed per youth hunter. The adult must remain in close enough proximity to monitor the~~  
12 ~~activities of, and communicate with, the youths at all times.~~

13 (b) Bag Limits: The daily bag limit shall be one bird and the annual bag limit shall be two birds. Possession limit  
14 is two birds.

15 (c) Dogs: The use of dogs for hunting wild turkeys is prohibited.

16 (d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B  
17 .0113.

18  
19 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5;*  
20 *Eff. February 1, 1976;*  
21 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*  
22 *July 1, 1992;*  
23 *Temporary Amendment Eff. July 1, 1999;*  
24 *Amended Eff. July 1, 2000;*  
25 *Temporary Amendment Eff. July 1, 2001;*  
26 *Temporary Amendment Eff. July 1, 2002;*  
27 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*  
28 *Temporary Amendment Eff. June 1, 2003;*  
29 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*  
30 *17, 2003);*  
31 *Amended Eff. May 1, 2009; May 1, 2007; November 1, 2005.*  
32 *Amended Eff. January 1, 2013*  
33

**15A NCAC 10B .0206 SQUIRRELS**

**(a) Open Seasons:**

- (1) Gray and red squirrels may be taken by hunting on the Monday on or closest to October 15 to the last day of February.
- (2) Fox squirrels may be taken by hunting on the Monday on or nearest October 15 to December 31 in the counties of Alleghany, Anson, Ashe, Bladen, Brunswick, Cumberland, Duplin, Edgecombe, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, Moore, New Hanover, Onslow, Pender, Pitt, Richmond, Sampson, ~~Scotland~~ Scotland, Stokes, Surry, Watauga, Wayne and Wilkes. ~~and Wayne.~~

**(b) Bag Limits:**

- (1) The daily bag limit for gray and red squirrels is eight and there are no season and no possession limits.
- (2) In those counties listed in Subparagraph (a)(2) of this Rule, the daily bag limit for fox squirrels is one; the possession limit is two, and the season limit is 10.

*History Note*

*Authority G.S. 113-134; 113-291.2;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2006; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985.*

*Amended Eff. August 1, 2013*

1 **15A NCAC 10B .0119 WILDLIFE COLLECTORS**

2 (a) Collection Licenses. The Executive Director is authorized to license qualified individuals to take or collect any  
3 species of wildlife resources except that endangered, threatened and special concern species may not be taken or  
4 collected except under a special permit issued by the Executive Director for research ~~purposes~~: purposes, unless  
5 there is an open season for the species. If an open season exists for the species then the appropriate hunting, fishing  
6 or trapping license can serve as the authorization for take. This Rule shall not prohibit an individual from killing an  
7 endangered, threatened, or special concern species in defense of his own life or the lives of others without a permit.  
8 Individuals who annually collect less than five reptiles or less than 25 amphibians that are not on the endangered,  
9 threatened or special concern lists are exempted from this license requirement. Such license shall be issued upon  
10 payment of a fee in accordance with the General Statutes, except that licenses shall be issued to representatives of  
11 educational or scientific institutions or of governmental agencies without charge. Such license shall be used in lieu  
12 of any other hunting or trapping license required by law and shall authorize possession and transportation of the  
13 wildlife incidental to the authorized taking, except that it shall not authorize the taking, possession or transportation  
14 of any species of wildlife in violation of federal laws or regulations.

15 (b) Limits on collection. Individuals shall collect no more than 10 turtles from the family Chelydridae (snapping  
16 turtles) per day and no more than 100 per calendar year. Individuals shall collect no more than 10 turtles from the  
17 family Kinosternidae (mud and musk turtles) per day and no more than 100 per calendar year.

18 (c) Qualifications of Licensees. In addition to representatives of educational and scientific institutions and  
19 governmental agencies the collection license may be issued to any individual for any purpose when such is not  
20 deemed inimical to the efficient conservation of the species to be collected or to some other wildlife species that  
21 may be dependent thereon.

22 (d) Methods of Taking. The manner of taking wildlife resources under a collection license may be specified by the  
23 Executive Director pursuant to G.S. 113-272.4(d) and need not be restricted to the usual methods of hunting or  
24 trapping.

25 (e) Term of License. The Executive Director may, pursuant to G.S. 113-272.4(c), impose time limits and other  
26 restrictions on the duration of any collection license, but unless so restricted the license shall be valid from January 1  
27 through December 31 of the applicable year.

28 (f) Report of Collecting Activity. Each individual licensed under this Rule shall submit a written report to the  
29 Executive Director within 15 days following the date of expiration of the license. The report shall be on a form  
30 supplied by the Wildlife Resources Commission and shall show the numbers of each species taken under the license  
31 and the use or disposition thereof. The Executive Director may require additional information for statistical  
32 purposes such as the dates and places of the taking and the sex, size, weight, condition, and approximate age of each  
33 specimen taken. Such additional information may be required on the form of report or by a separate writing  
34 accompanying the form.

35 (g) Other Requirements and Restrictions. The Executive Director may, pursuant to G.S. 113-272.4(d), impose such  
36 other requirements and restrictions on persons licensed under this Rule as he may deem to be necessary to the  
37 efficient administration of the wildlife conservation laws and regulations.

38  
39 *History Note: Authority G.S. 113-134; 113-272.4;*

40 *Eff. January 1, 1981;*

41 *Amended Eff. May 1, 2009; May 1, 2008; April 1, 2001; February 1, 1994; November 1, 1990;*

42 *September 1, 1989.*

43 *Amended Eff. January 1, 2013*

1 **15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN**

2 (a) No Open Season. There ~~shall be is~~ no open season for taking any of the species listed as endangered in Rule  
3 .0103, or threatened in Rule .0104 of this ~~Section. Section, except for the American alligator (*Alligator*~~  
4 ~~*mississippiensis*) as set forth in the rules of this Chapter.~~ Unless otherwise provided in North Carolina General  
5 Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in  
6 Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or  
7 possess any of such species at any time.

8 (b) Permits. The executive director may issue permits to take or possess an endangered, threatened, or special  
9 concern species:

- 10 (1) To an individual or institution with experience and training in handling, and caring for the wildlife  
11 and in conducting a scientific study, for the purpose of scientific investigation relevant to  
12 perpetuation or restoration of said species or as a part of a scientifically valid study or restoration  
13 effort;
- 14 (2) To a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained  
15 the specimen or specimens in his or her possession, possesses the requisite equipment and  
16 expertise to care for such specimen or specimens and abides by the caging requirements for the  
17 species set forth in 15A NCAC 10H .0302;
- 18 (3) To a person who lawfully possessed any such species for more than 90 days immediately prior to  
19 the date that such species was listed and who abides by the caging requirements for the species set  
20 forth in 15A NCAC 10H .0302, provided however, that no permit shall be issued more than ninety  
21 days after the effective date of the initial listing for that species; and
- 22 (4) To a person with demonstrable depredation from a Special Concern ~~species.~~ Species, or the  
23 American alligator (*Alligator mississippiensis*).

24 (c) Taking Without a Permit:

- 25 (1) An individual may take an endangered, threatened, or special concern species in defense of his  
26 own life or the lives of others; or
- 27 (2) A state or federal conservation officer or employee who is designated by his agency to do so may,  
28 when acting in the course of his official duties, take, possess, and transport endangered,  
29 threatened, or special concern species if the action is necessary to:
- 30 (A) aid a sick, injured, diseased or orphaned specimen;
- 31 (B) dispose of a dead specimen;
- 32 (C) salvage a dead specimen which may be useful for scientific study; or
- 33 (D) remove specimens which constitute a demonstrable but nonimmediate threat to human  
34 safety, provided the taking is done in a humane and noninjurious manner. The taking  
35 may involve injuring or killing endangered, threatened, or special concern species only if  
36 it is not reasonably possible to eliminate the threat by live-capturing and releasing the  
37 specimen unharmed, in a habitat that is suitable for the survival of that species.

38 (d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Paragraphs  
39 (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations and the  
40 reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).

41 (e) Exceptions.

- 42 (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American  
43 alligators, which have been lawfully taken in a state in which there is an open season for  
44 harvesting alligators, may be possessed, bought and sold when such products are marketed in  
45 packages or containers which are labeled to indicate the state in which they were taken and the  
46 identity, address, and lawful authority of the processor or distributor;
- 47 (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild  
48 for falconry purposes and for falconry propagation, provided that a valid North Carolina  
49 endangered species permit has been obtained as required in Paragraph (b) of this Rule;
- 50 (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered or traded as  
51 provided in 50 C.F.R. 21.30 when marked as required under those regulations; and
- 52 (4) Importation, possession, sales, transportation and exportation of species listed as special concern  
53 species in Rule .0105 of this Section is allowed under permit by retail and wholesale  
54 establishments whose primary function is providing scientific supplies for research provided that:
- 55 (A) the specimens were lawfully obtained from captive or wild populations outside of North  
56 Carolina;

- 1 (B) they are possessed in indoor facilities;  
2 (C) all transportation of specimens provides safeguards adequate to prevent accidental  
3 escape; and  
4 (D) importation, possession and sale or transfer is permitted only as listed in Parts (e)(4)(A)  
5 and (B) of this Rule.

6 (f) A written application to the Commission is required for a permit to authorize importation, and possession for the  
7 purpose of retail or wholesale sale. The application shall identify the source of the specimens, and provide  
8 documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation,  
9 advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental  
10 escape and sales to unauthorized individuals.

11 (g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit  
12 to state and federal governmental agencies, corporate research entities, and research institutions provided that:

- 13 (1) sales are permitted to out of state consumers;  
14 (2) they must be possessed in indoor facilities and that all transportation of specimens provides  
15 safeguards adequate to prevent accidental escape;  
16 (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol  
17 for this species; and  
18 (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina  
19 and may not be transferred to any private individual.  
20

21 *History Note:* *Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;*  
22 *Eff. June 11, 1977;*  
23 *Amended Eff. January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997;*  
24 *February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*  
25 *Amended Eff. January 1, 2013*



1 **15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS**

2 (a) Except as provided in Paragraphs (b) and (c) of this Rule, each person engaged in training or running a dog or  
3 dogs and each active participant in a field trial shall have obtained a North Carolina hunting license. The term  
4 "active participant" as used herein includes each person who owns or handles dogs, carries a firearm, or is a member  
5 of an organized group engaged in the conduct of a field trial, but does not include a person who is observing a field  
6 trial incidentally or who has stopped to witness a part of it.

7 (b) A person serving as judge of a commission-sanctioned field trial and any nonresident participating therein may  
8 do so without having a North Carolina license, provided the nonresident has in his possession a valid hunting license  
9 issued by the state of his residence. A "commission-sanctioned" field trial is one which, pursuant to a written  
10 request from the sponsoring organization, has been authorized in writing and scheduled for occurrence by an  
11 authorized representative of the Wildlife Resources Commission.

12 (c) Persons without license may participate in commission-sanctioned field trials for beagles conducted without  
13 firearms on private field trial areas which are fenced in accordance with G.S. 113-276(k).

14 (d) Except as allowed by rules pertaining to authorized field trials, ~~and handguns carried by individuals with valid~~  
15 ~~concealed handgun permits,~~ it is unlawful to carry ~~firearms,~~ axes, saws or climbing irons while training or running  
16 dogs during closed season on game animals.

17 (e) ~~Except as authorized in this Paragraph, no firearms, except handguns carried by individuals with valid concealed~~  
18 ~~handgun permits, or other hunting weapons may shall be possessed or used during any field trial for foxhounds or~~  
19 ~~any field trial conducted during the closed hunting season for any other species of wildlife serving as the quarry or~~  
20 ~~prey.~~ On a commission-sanctioned field trial for retrievers or bird dogs, shotguns containing live ammunition or  
21 firearms using only blank ammunition may be used only when the application for and the authorization of the field  
22 trial so provide. No wild waterfowl, quail or pheasant shall be used in field trials when shotguns with live  
23 ammunition are permitted. All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird  
24 propagator. Each specimen of waterfowl so obtained shall be marked by one of the methods provided by 50 C.F.R.  
25 21.13. Each pheasant or quail so obtained shall be banded by the propagator prior to delivery with a leg band that is  
26 imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy of the  
27 receipt from the propagator showing the date and the number and species of birds purchased. The copy of the  
28 receipt shall be available for inspection by any authorized agent of the Wildlife Resources Commission during the  
29 time and at the place where the trial is being held.

30 (f) Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at  
31 least 30 days prior to the scheduled event.

32 (g) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller  
33 during the closed season using domestically raised waterfowl and domestically raised game birds. Only nontoxic  
34 shot shall be used when training dogs using domestically raised waterfowl. All domestically raised waterfowl shall  
35 be individually tagged on one leg with a seamless band stamped with the number of the propagation license for the  
36 facility from which the domestically raised waterfowl originated. All other domestically raised game birds shall be  
37 individually tagged on one leg with a band indicating the propagation license number for the facility from which the  
38 birds originated.

39  
40 *History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13;*  
41 *Eff. February 1, 1976;*

42 *Amended Eff. January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1,*  
43 *1990.*

44 *Amended Eff. January 1, 2013*

**15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

(a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days of any applicable deer season.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on any game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone and the person or persons requesting entry can demonstrate a valid need or such person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public due to topographical features or activities occurring on the area.
- (6) Establishment of Archery, Restricted Firearms, and Restricted Zones. The Commission shall conduct a public input meeting in the area where the game land is located before establishing any archery, restricted firearms or restricted zone. After the input meeting the public comments shall be presented to an official Commission meeting for final determination.
- (7) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.

(b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county or municipality, except as permitted by the landowner.

(c) Use of weapons. No person shall discharge:

- (1) any firearm for purposes other than hunting, trapping, or self-defense, except on designated shooting areas;
- (2) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;
- (3) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (4) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

~~Possession of Hunting Devices. Firearms and archery equipment may only be possessed on a game land during the open hunting seasons or hunting days for game birds or game animals, other than fox or coyote. Firearms and archery equipment may also be possessed if:~~

- ~~(1) the device is cased or not immediately available for use;~~
- ~~(2) the device is used by persons participating in field trials on field trial areas;~~
- ~~(3) the device is used by persons on target shooting areas designated by the landowner;~~
- ~~(4) the device is possessed in designated camping areas for defense of persons and property;~~
- ~~(5) the device is a .22 caliber pistol with a barrel not greater than seven and one half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm on game lands at any time other than by deer hunters during the special bow and arrow and muzzle loading firearms~~

~~deer hunting season, except under conditions authorized in G.S. 113-291.1(k), and by individuals training dogs during closed season without field trial authorization; or~~  
 (6) ~~the device is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. The permission to carry a handgun does not apply on the following game lands: Bladen Lakes State Forest, Buckhorn, Butner Falls of Neuse, Chatham, DuPont State Forest, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Pee Dee River north of U.S. 74, Sutton Lake, Vance and that portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119.~~  
 This Paragraph does not prevent possession or use of a bow and arrow as a licensed special fishing device in those waters where such use is authorized. Furthermore, only shotguns with any size shot, archery equipment as defined in 15A NCAC 10B .0116, and handguns carried by individuals with valid concealed handgun permits may be possessed during the big game season for turkey. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, ~~or while hunting waterfowl on Butner Falls of Neuse Game Land or New Hope Game Land,~~ except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Buckhorn, Butner-Falls of Neuse, Chatham, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Sutton Lake, and Vance game lands and Pee Dee River Game Land north of U.S. 74, and that portion of R. Wayne Bailey-Caswell Game Land that is located north of U.S. 158 and east of N.C. 119 no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:  
     (1) the firearm is cased or not immediately available for use;  
     (2) the firearm is used by persons participating in field trials on field trial areas; or  
     (3) the firearm is possessed in designated camping areas for defense of persons and property.  
 (d) Game Lands License: Hunting and Trapping  
     (1) Requirement. Except as provided in Subparagraph (2) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, or participating in dog training or field trial activities shall have in his possession a game lands license in addition to the appropriate hunting or trapping licenses. A field trial participant is defined as a Judge, Handler, Scout or Owner.  
     (2) Exceptions  
         (A) A person under 16 years of age may hunt on game lands on the license of his parent or legal guardian.  
         (B) The resident and nonresident sportsman's licenses include game lands use privileges.  
         (C) Judges and nonresidents participating in field trials under the circumstances set forth in Paragraph (e) of this Rule may do so without the game lands license.  
         (D) On the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.  
 (e) Field Trials and Training Dogs. A person serving as judge of a field trial which, pursuant to a written request from the sponsoring organization, has been authorized in writing and scheduled for occurrence on a game land by an authorized representative of the Wildlife Resources Commission, and any nonresident Handler, Scout or Owner participating therein may participate without procuring a game lands license, provided such nonresident has in his possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the commission's agent an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) ~~one hundred dollars (\$100.00)~~ for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) ~~twenty five dollars (\$25.00)~~ per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Laurinburg Fox Trial or the Sandhills Field Trial grounds without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the approval so obtained. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the

approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on any game land located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities and the applying organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the primary goals of the agency.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302 and .0303, trapping of furbearing animals is permitted on game lands during the applicable open seasons, except that trapping is prohibited:

- (1) on the field trial course of the Sandhills Game Land;
- ~~(2) on the Harmon Den and Sherwood bear sanctuaries in Haywood County;~~
- ~~(3)(2)~~ in posted "safety zones" located on any game land;
- ~~(4)(3)~~ by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- ~~(5)(4)~~ on the John's River Waterfowl Refuge in Burke County; and
- ~~(6)(5)~~ on the Dupont State Forest Game Lands.

On those areas of state-owned land known collectively as the Roanoke River Wetlands controlled trapping is allowed under a permit system.

~~(g) Use of Weapons. In addition to zone restrictions described in Paragraph (a) no person shall discharge a weapon within 150 yards of any Game Lands building or designated Game Lands camping area, except where posted otherwise, or within 150 yards of any residence located on or adjacent to game lands, except no person shall discharge a firearm within 150 yards of any residence located on or adjacent to Butner Falls of Neuse and Jordan Game Lands.~~

~~(h)(g)~~ Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed, maintained and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (k) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (n) of this Rule and is abiding by the rules described in Paragraph (n).

~~(i)(h)~~ Camping. No person shall camp on any game land except on an area designated by the landowner for camping.

~~(j)(i)~~ Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

~~(k)(j)~~ Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (2) paralysis of one or more limbs;

- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- (5) deafness.

On game lands where the privileges described in Paragraph (n) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles or other passenger vehicles:

- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.

Each program participant may be accompanied by one ~~able-bodied~~ companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their ~~able-bodied~~ companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.

~~(h)(k)~~ Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given when release of such animals is determined by a North Carolina Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife Resources Commission.

~~(m)(l)~~ Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (k) of this Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but must comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act, may use wheelchairs or other mobility devices designed for indoor pedestrian use on any area where foot travel is allowed.

~~(n)(m)~~ Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use. Those game lands, or parts thereof, where this Paragraph applies are designated in the game land rules and map book. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted to wildlife food or cover. One ~~able-bodied~~ companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact with the disabled person. The companion may participate in all lawful activities while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under this provision shall prominently display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle. It is unlawful for anyone other than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

~~(o)(n)~~ Public nudity. Public nudity, including nude sunbathing, is prohibited on any Game Land, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

~~(p)(o)~~ Definitions: For the purpose of this Subchapter "Permanent Hunting Blind" is defined as any structure that is used for hunter concealment, constructed from man made or natural materials, and that is not disassembled and removed at the end of each day's hunt.

~~(q)(p)~~ Shooting Ranges. On state-owned game lands, no person shall use designated shooting ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills or for other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except that activities which have been approved by the Commission and for which a permit has been issued may be conducted, provided

1 that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the  
2 activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the grounds  
3 of the range. This includes any items used as targets, except that clay targets broken on the range, by the shooter,  
4 may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of the  
5 range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent,  
6 impede or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle  
7 or other object at any place on the shooting range other than such a place or zone as is designated as an authorized  
8 parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting  
9 range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post or other  
10 permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would  
11 cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller  
12 may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a  
13 shooting range must obey posted range safety rules and those persons who violate range safety rules or create a  
14 public safety hazard must leave the shooting range if directed to by law enforcement officers or Commission  
15 employees. No person shall handle any firearms on a shooting range while under the influence of an impairing  
16 substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Shooting ranges  
17 are open from sunrise to sunset on Monday through Saturday. Firearms shall be unloaded and cased when being  
18 transported to the shooting range while on Game Lands. No person, when using any shooting range, shall do any act  
19 which is prohibited or neglect to do any act which is required by signs or markings placed on such area under  
20 authority of this Rule for the purpose of regulating the use of the area.

21 ~~(+)(q)~~ Limited-access Roads. During the months of June, July and August, roads posted as "Limited-access Roads"  
22 are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and  
23 closing times.  
24

25 *History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*  
26 *Eff. February 1, 1976;*  
27 *Amended Eff. July 1, 1993; April 1, 1992;*  
28 *Temporary Amendment Eff. October 11, 1993;*  
29 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*  
30 *Temporary Amendment Eff. July 1, 1999;*  
31 *Amended Eff. July 1, 2000;*  
32 *Temporary Amendment Eff. August 31, 2001;*  
33 *Amended Eff. August 1, 2002;*  
34 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July*  
35 *17, 2003);*  
36 *Amended Eff. January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*  
37 *2007; May 1, 2006; November 1, 2005.*  
38 *Amended Eff. August 1, 2013*



**15A NCAC 10D .0103 HUNTING ON GAME LANDS**

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be ~~Except where closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted.~~ On managed waterfowl impoundments, persons-hunters shall: shall

(1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates; ~~dates, and hunting is prohibited~~

(2) not hunt after 1:00 p.m. on such hunting dates; decoys shall

(3) not be set decoys out prior to 4:00 a.m. and must be removed

(4) remove decoys by 3:00 p.m. each day; and day. No person shall

(5) not operate any vessel or vehicle powered by an internal combustion engine. engine on a managed ~~waterfowl impoundment.~~

On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

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

(2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday and Fridays. ~~falconry~~ Falconry may also be practiced on Sundays. These "open days" also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.

(3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons.

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

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only elsewhere in this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

(1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties

(A) Six Days per Week Area

(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season in that portion in Montgomery county and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.

- (2) Alligator River Game Land in Tyrrell County
- (A) Six Day per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (4) Bachelor Bay Game Land in Bertie, Martin and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) ~~Handguns shall not be carried and, except~~ Except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be ~~used, used or possessed.~~
- (D) On the Singletary Lake Tract deer and bear may be taken only by still hunting.
- (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to September 1 through the last day of February ~~February 28 and March 31~~ ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (7) Brinkleyville Game Land in Halifax County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable deer with visible antlers season.
- (C) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
- (A) Hunting is by permit only.
- (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
- (A) Hunting is by permit only.
- (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting shall be allowed on those days.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the deer with visible antlers season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or

- 1 nearest October 1 through the Saturday of the second week thereafter, and during the  
2 Deer With Visible Antlers season.
- 3 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible  
4 Antlers Season.
- 5 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and  
6 all horseback riding is prohibited from September 1 through May 15.
- 7 (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- 8 (A) Three Days per Week Area
- 9 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
10 applicable Deer With Visible Antlers Season.
- 11 (13) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
14 applicable Deer With Visible Antlers Season.
- 15 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas, New  
16 Year's and Martin Luther King, Jr. Days and on the opening and closing days of the  
17 applicable waterfowl seasons. On the posted waterfowl impoundments a special permit  
18 is required for all waterfowl hunting after November 1.
- 19 (D) Horseback riding is prohibited.
- 20 (E) Target shooting is prohibited
- 21 (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- 22 (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of  
23 Falls Lake.
- 24 (H) The use of bicycles is restricted to designated areas, except that this restriction does not  
25 apply to hunters engaged in the act of hunting during the open days of the applicable  
26 seasons for game birds and game animals.
- 27 (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are  
28 limited to September 1 through the last day of February and March 31 ~~April 7~~ through  
29 May 14.
- 30 (14) Buxton Woods Game Land in Dare County:
- 31 (A) Six Days per Week Area.
- 32 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible  
33 Antlers Season.
- 34 (15) Cape Fear River Wetlands Game Land in Pender County
- 35 (A) Six Days per Week Area
- 36 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible  
37 Antlers Season.
- 38 (C) Turkey ~~hunting~~ hunting is by permit only on that portion known as the Roan Island  
39 Tract.
- 40 (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west  
41 of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road  
42 and south of NC 210 to the Black River.
- 43 (16) Carteret County Game Land in Carteret County
- 44 (A) Six Days per Week Area
- 45 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
46 applicable Deer With Visible Antlers Season.
- 47 (C) The use of dogs for hunting deer is prohibited.
- 48 (17) R. Wayne Bailey-Caswell Game Land in Caswell County
- 49 (A) Three Days per Week Area
- 50 (B) Deer of either sex may be taken the last six open days of the applicable Deer With  
51 Visible Antlers Season.
- 52 (C) Horseback riding is allowed only during June, July, and August and on Sundays during  
53 the remainder of the year except during open turkey and deer seasons. Horseback riding  
54 is allowed only on roads opened to vehicular traffic. Participants must obtain a game  
55 lands license prior to engaging in such activity.

- (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 ~~April 7~~ through May 14.
- (18) Catawba Game Land in Catawba County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- (19) Chatham Game Land in Chatham County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (20) Cherokee Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (21) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (22) Chowan Swamp Game Land in Bertie, Gates and Hertford counties.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear hunting is restricted to the first three hunting days during the November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (23) Cold Mountain Game Land in Haywood County
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (24) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (25) Croatan Game Land in Carteret, Craven and Jones counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
  - (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
  - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (26) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
  - (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
  - (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not ~~possess or~~ use a firearm.
  - (D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or shoreline.
  - (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
  - (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
  - (G) Deer of either sex may be taken all the days of the applicable deer with visible antlers season.
- (27) Dare Game Land in Dare County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) No hunting is allowed on posted parts of bombing range.
  - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (28) Dover Bay Game Land in Craven County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the days of the applicable deer with visible antlers season.
- (29) Dupont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by Permit only.
  - (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- (30) Elk Knob Game Land in Watauga County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (31) Embro Game Land in Halifax and Warren counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding is prohibited.
- (32) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and

- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek and Hobucken.
- (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (F) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 to the end of February and April 1 to May 15 to individuals that possess a valid hunting opportunity permit.
- (33) Green River Game Land in Henderson, and Polk counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (34) Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (35) Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons; and
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- (D) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (E) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season, except for that portion designated as bear sanctuary.
- (36) Harris Game Land in Chatham, Harnett and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) The use or construction of permanent hunting blinds shall be prohibited.
- (E) Wild turkey hunting is by permit only.
- (F) Target shooting is prohibited.
- (37) Holly Shelter Game Land in Pender County
- (A) Three Days per Week Area.
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.



- (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (F) The use of dogs for hunting deer and bear is prohibited on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road.
- (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
- (38) Hyco Game land in Person County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- (39) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- (40) Johns River Game Land in Burke County
- (A) Hunting is by permit only.
- (B) During permitted deer hunts deer of either-sex may be taken by permit holders.
- (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31 except by lawful waterfowl hunting permit holders and only on those days written on the permits.
- (D) The use or construction of permanent hunting blinds is prohibited.
- (41) Jordan Game Land in Chatham, Durham, Orange and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July and August, and on Sundays the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (42) Juniper Creek Game Land in Brunswick and Columbus counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
- (C) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (43) Kerr Scott Game Land in Wilkes County
- (A) Six Days per Week Area
- (B) Use of centerfire rifles is prohibited.
- (C) Use of muzzleloaders, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
- (D) Tree stands shall not be left overnight and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.

- (E) Deer of either sex may be taken on all open days of the applicable deer with visible antlers season.
- (F) Hunting on posted waterfowl impoundments is by permit only.
- (G) The use of firearms for hunting wild turkey is prohibited.
- (44) Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Wild turkey hunting is by permit only.
- (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
- (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (45) Lee Game Land in Lee County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- (46) Light Ground Pocosin Game Land in Pamlico County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
- (47) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (48) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (49) Mayo Game Land in Person County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (D) Target shooting is prohibited.
- (50) Mitchell River Game Land in Surry County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last six days of the applicable Deer with Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (51) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
- (52) Needmore Game Land in Macon and Swain counties.
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (53) Neuse River Game Land in Craven County
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (54) New Lake Game Land in Hyde and Tyrrell counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (55) Nicholson Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
- (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) On Lake Upchurch, the following activities are prohibited:
- (i) No person shall operate any vessel or vehicle powered by an internal combustion engine; and
- (ii) Swimming.
- (56) North River Game Land in Camden and Currituck counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (D) Hunting on the posted waterfowl impoundment is by permit only.
- (57) Northwest River Marsh Game Land in Currituck County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (58) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
- (D) Target shooting is prohibited.
- (59) Perkins Game Land in Davie County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (60) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (61) Pond Mountain Game Land in Ashe County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer with Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (D) Deer and bear hunting is by permit only.
- (62) Pungo River Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (63) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
- (B) Swimming is prohibited on the area.
- (64) Roanoke River Wetlands in Bertie, Halifax, Martin and Northampton counties
- (A) Hunting is by Permit only.
- (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (C) Camping is restricted to September 1 through the last day of February February 28 and March 31 April 7 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- (65) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (66) Robeson Game Land in Robeson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (67) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
- (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) Taking fox squirrels is prohibited.
- (68) Rocky Run Game Land in Onslow County: Hunting is by permit only.
- (69) Sampson Game Land in Sampson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (70) Sandhills Game Land in Hoke, Moore, Richmond and Scotland counties
- (A) Three Days per Week Area
- (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
- (i) deer may be taken with archery equipment on all the open days of the bow-and-arrow season through the fourth Friday before Thanksgiving; with legal muzzleloading firearms and archery equipment all the open days of the muzzleloader season through the second Saturday before Thanksgiving; and with all legal weapons from the second Monday before Thanksgiving through the Saturday following Thanksgiving.

- (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
- (iii) opossum, raccoon and squirrel (gray & fox) may be taken all the open days from second Monday before Thanksgiving through the Saturday following Thanksgiving;
- (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving through the Saturday following Thanksgiving;
- (v) waterfowl may be taken on open days during any waterfowl season, and
- (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt.
- ~~(B)(C)~~ The Deer With Visible Antlers season for deer ~~is consists of~~ the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving except on the J. Robert Gordon Field Trial Grounds field trial grounds where the gun season is open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving.
- (D) The bow-and-arrow season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through Jan. 1. Deer may be taken with archery equipment ~~bow and arrow~~ on all open hunting days during the bow and arrow season, the Deer with Visible antlers season, and the muzzleloader season as stated in this sub-paragraph, and from the third Monday after Thanksgiving through January 1, except on the field trial grounds.
- (E) Muzzleloader season is all the open days from the fourth Saturday preceeding Thanksgiving through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through January 1. Deer may be taken with muzzle-loading firearms on all open hunting days during the muzzleloader season and beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter, during the Deer With Visible Antlers ~~season, season,~~ and from the third Monday after Thanksgiving through January 1, except on the field trial grounds.
- ~~(C)(F)~~ Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only. ~~Except for the deer, opossum, rabbit, raccoon and squirrel seasons indicated for the field trial grounds in this Rule and Disabled Sportsman Program hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.~~
- ~~(D)(G)~~ In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- ~~(E)(H)~~ Wild turkey hunting is by permit only.
- ~~(F)~~ ~~Dove hunting on the field trial grounds is prohibited from the third Sunday in September through the remainder of the hunting season.~~
- ~~(G)~~ ~~Opossum, raccoon and squirrel (fox and gray) hunting on the field trial grounds is allowed on open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving and rabbit season on the field trial grounds is from the Saturday preceding Thanksgiving through the Saturday following Thanksgiving.~~
- ~~(H)(I)~~ The following areas are permit-only for all quail and woodcock hunting and dog training on birds:
- (i) In Richmond County: that part east of US 1;
- (ii) In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north of Scotland Lake Lane.
- ~~(I)(J)~~ Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless riding in authorized field trials.
- ~~(J)(K)~~ Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 ~~April 7~~ through May 14.
- (71) Sandy Creek Game Land in Nash and Franklin Counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (72) Sandy Mush Game Land in Buncombe and Madison counties.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer with Visible Antlers season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (D) Dogs shall only be trained on Mondays, Wednesdays and Saturdays and only as allowed in 15A NCAC 10D .0102(e).
- (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
- (73) Second Creek Game Land in Rowan County- hunting is by permit only.
- (74) Shocco Creek Game Land in Franklin, Halifax, Nash and Warren counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (75) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (E) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford counties is closed to all grouse, quail and woodcock hunting and all bird dog training.
- (76) Stones Creek Game Land in Onslow County
- (A) Six-Day per Week Area.
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Swimming in all lakes is prohibited.
- (D) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (77) Suggs Mill Pond Game Land in Bladen and Cumberland counties
- (A) Hunting and trapping is by Permit only.
- (B) Camping is restricted to September 1 through ~~the last day of February~~ ~~February 28~~ and ~~March 31~~ ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (C) Entry is prohibited on scheduled hunt or trapping days except for:
- (i) hunters or trappers holding special hunt or trapping permits; and
- (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (78) Sutton Lake Game Land in New Hanover and Brunswick counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.



- (C) Target shooting is prohibited.
- (79) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (80) Three Top Mountain Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (81) Thurmond Chatham Game Land in Alleghany and Wilkes counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. Participants must obtain a game lands license prior to horseback riding on this area.
- (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (82) Tillery game Land in Halifax County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (E) Wild turkey hunting is by permit only.
- (83) Toxaway Game Land in Jackson and Transylvania counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (84) Uwharrie Game Land in Davidson, Montgomery and Randolph counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last open six days of the applicable Deer With Visible Antlers Season.
- (85) Vance Game Land in Vance County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (86) Van Swamp Game Land in Beaufort and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (87) White Oak River Game Land in Onslow County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.

- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- (E) The Huggins Tract and Morton Tracts have the following restrictions:
- (i) Access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit;
  - (ii) Hunting is by permit only; and
  - (iii) The use of dogs for hunting deer is prohibited.
- (F) Wild turkey hunting is by permit only.
- (88) Whitehall Plantation Game Land in Bladen County
- (A) Hunting and trapping is by permit only.
  - (B) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (i) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator agent or by phone.
- (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:
- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands,
  - (2) Bertie County—Roanoke River National Wildlife Refuge,
  - (3) Bladen County—Suggs Mill Pond Game Lands,
  - (4) Burke County—John's River Waterfowl Refuge,
  - (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting),
  - (6) Dare County—Roanoke Sound Marshes Game Lands, and
  - (7) Henderson and Transylvania counties—Dupont State Forest Game Lands.
- (k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission will be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (l) Free-ranging swine may be taken by licensed hunters during the open season for any game animal using any legal manner of take allowed during those seasons. Dogs may not be used to hunt free-ranging swine except on game lands which allow the use of dogs for hunting deer or bear and during the applicable deer or bear season.
- (m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.
- (n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.
- (n) As used in this Rule, horseback riding includes all equine species.
- (p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

*History Note:* Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;  
Eff. February 1, 1976;  
Temporary Amendment Eff. October 3, 1991;  
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995;  
September 1, 1994; July 1, 1994;  
Temporary Amendment Eff. October 1, 1999; July 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. July 1, 2002; July 1, 2001;  
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);  
Temporary Amendment Eff. June 1, 2003;

1                    *Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*  
2                    *Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*  
3                    *2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1,*  
4                    *2004.*  
5                    *Amended Eff. January 1, 2013*

**15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF CONSERVATION AREAS**

(a) Trespass. Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation, hunting, trapping or fishing shall be as authorized by the landowner. On those areas designated and posted as Colonial Waterbird Nesting Areas, entry is prohibited during the period of April 1 through August 31 of each year, except by written permission of the landowner. Entry into Colonial Waterbird Nesting Areas during the period of September 1 through March 31 is as authorized by the landowner.

(b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any wildlife conservation area except in receptacles provided for disposal of such refuse. No garbage dumps or sanitary landfills shall be established on any wildlife conservation area by any person, firm, corporation, county or municipality, except as permitted by the landowner.

(c) Use and possession of weapons. No person shall discharge:

- (1) any firearm for purposes other than hunting, trapping, or self-defense, except on designated shooting areas;
- (2) any weapon from a vehicle;
- (3) any weapon within 200 yards of any building or designated camping areas;
- (4) any weapons within, into, or across a posted "safety zone;" and
- (5) a firearm within, into, or across a posted "restricted zone."

~~Possession of Hunting Devices Firearms and archery equipment may only be possessed on a designated wildlife conservation area during the open hunting seasons or hunting days for game birds or game animals thereon except firearms and archery equipment may also be possessed under the following conditions:~~

- ~~(1) the device is cased or not immediately available for use,~~
- ~~(2) the device may be possessed in designated camping areas for defense of persons and property,~~
- ~~(3) the device is a .22 caliber pistol with a barrel not greater than seven and one half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm on designated wildlife conservation areas at any time other than by deer hunters during the special bow and arrow and muzzle loading firearms deer hunting season, except under conditions authorized in G.S. 113-291.1(k), or~~
- ~~(4) the device is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.~~

~~This Rule does not prevent possession or use of bow and arrow as a licensed special fishing device in those waters where such use is authorized. During the closed firearms seasons on big game (deer, bear, wild turkey), no person shall possess a shotgun shell larger than No. 4 shot or any rifle or pistol larger than a .22 caliber rimfire while on a designated wildlife conservation area except that shotgun shells containing any size steel or non-toxic shot may be used while waterfowl hunting. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting waterfowl on any area designated as a wildlife conservation area, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.~~

(d) License Requirements:

- (1) Hunting and Trapping:
  - (A) Requirement. Except as provided in Part (d)(1)(B) of this Rule, any person entering upon any designated wildlife conservation area for the purpose of hunting or trapping shall have in his possession a game lands use license in addition to the appropriate hunting or trapping licenses.
  - (B) Exception. A person under 16 years of age may hunt on designated wildlife conservation areas on the license of his parent or legal guardian.
- (2) Trout Fishing. Any person 16 years of age or over, including an individual fishing with natural bait in the county of his residence, entering a designated wildlife conservation area for the purpose of fishing in designated public mountain trout waters located thereon must have in his possession a regular fishing license and special trout license. The resident and nonresident sportsman's licenses and short-term comprehensive fishing licenses include trout fishing privileges on designated wildlife conservation areas.

(e) Training Dogs. Dogs shall not be trained on designated wildlife conservation areas except during open hunting seasons for game animals or game birds thereon. Dogs are not allowed to enter any wildlife conservation area designated and posted as a colonial waterbird nesting area during the period of April 1 through August 31.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, trapping of fur-bearing animals is permitted on any area designated and posted as a wildlife conservation area during the applicable open seasons, except that trapping is prohibited:

- (1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and
- (2) in posted "safety zones" located on any Wildlife Conservation Area.

~~(g) Use of Weapons. No person shall hunt or discharge a firearm or bow and arrow from a vehicle, or within 200 yards of any building or designated camping areas, or within, into, or across a posted "safety zone" on any designated wildlife conservation area. No person shall hunt with or discharge a firearm within, into, or across a posted "restricted zone" on any designated wildlife conservation area.~~

~~(h)~~ (g) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.

~~(i)~~ (h) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except on those areas designated and posted as Colonial Waterbird Nesting Areas.

~~(j)~~ (i) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a person may swim in waters adjacent to coastal island wildlife conservation areas.

~~(k)~~ (j) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters located on designated wildlife conservation areas.

~~(l)~~ (k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions.

~~(m)~~ (l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson Cohen Wildlife Conservation Area.

~~(n)~~ (m) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written authorization of the Wildlife Resources Commission.

~~(o)~~ (n) Possession and removal. No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other materials may be possessed on or removed from conservation areas without written permission from the Commission. For purposes of this Rule, "other materials" includes: all metals, minerals, rocks, soil, organic debris, buildings, fences, historic artifacts and water.

*History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 113-296; 113-297;  
Eff. February 1, 1990;  
Amended Eff. January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June 1, 2005.  
Amended Eff. January 1, 2013*

**15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS OR ACCIDENTALLY**

(a) ~~Depredation Permit:~~ Depredation permits allow the take of undesirable or excess wildlife resources as described in subparagraphs 1 and 2 of this paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit must be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the property, however the manner of taking, disposition of dead wildlife and reporting requirements as described in this Rule still apply.

~~(1) — Endangered or Threatened Species.~~

No permit shall be issued to take any endangered or threatened species of wildlife listed under ~~15A NCAC 10I 15A NCAC 10I~~, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0103 and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species which may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

~~(2) — Other Wildlife Species. Except as provided in Subparagraph (1) of this Paragraph, the Executive Director or an agent of the Wildlife Resources Commission may, upon application of a landholder and after such investigation of the circumstances as he may require, issue a permit to such landholder to take any species of~~

(1) for taking wildlife which is or has been damaging or destroying his property provided there is evidence of property damage, damage in excess of fifty dollars (\$50.00). No permit may be issued for the taking of any migratory birds and other federally protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and, in the discretion of the Executive Director or an agent, may contain limitations as to age, sex or any other condition within the species so named. The permit must be issued to a landholder or an authorized representative of a unit of local government for depredations on public property. The permit may be used only by the landholder or another person individuals named on the permit.

~~(3)(2) Special Circumstances. In addition to the circumstances described in Subparagraph (2) of this Paragraph, the Executive Director or his designee may issue a permit to a person or persons for the taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) Municipalities seeking such a depredation permit must apply to the Executive Director using a form supplied by the Commission which will request the following information:~~

- ~~(A) the name and location of the city; municipality;~~
- ~~(B) the acreage of the affected property;~~
- ~~(C) a map of the affected property;~~
- ~~(D) the signature of an authorized city municipality representative;~~
- ~~(E) the nature of the overabundance or the threat to public safety; safety and~~
- ~~(F) any a description of previous actions taken by the city municipality to ameliorate the problem. problem; and~~
- ~~(F) in the case of deer overabundance or a threat to public safety from deer, the years in which the municipality participated in the Urban Archery Season. If the municipality has not participated in the Urban Archery Season, the municipality must explain why.~~

(4) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of at least 85 percent on a written examination provided by a representative of the Wildlife Resources Commission in cooperation with the training course provider shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in subparagraph (a)(1)



of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for big game animals, bats, or species listed as endangered, threatened or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs must report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records must be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. Wildlife Damage Control Agent status shall be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA must renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months.

(b) ~~Term of Permit.~~ Each depredation permit ~~issued by the Executive Director or an agent shall have entered thereon a date or time of~~ an expiration after which date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and must be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule. the same is invalid for any purpose, except as evidence of lawful possession of any wildlife that may be retained thereunder.

(c) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season such depredating wildlife may be taken without a permit only by the use of ~~firearms~~ firearms or archery equipment as defined in 15A NCAC 10B .0116. Landholders may use artificial lights to take depredating wildlife.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps must be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit the method of trapping must be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(d) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed ~~accidentally or~~ without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit must have the depredation permit in their possession. Except as provided by the succeeding Subparagraphs of (d)(2) through ~~(5) (6)~~ of this Rule, all wildlife killed under a depredation permit must be buried or otherwise disposed of ~~in a safe and sanitary manner. as stated on the permit.~~
- (2) ~~Deer.~~ Deer and feral swine. The edible portions of feral swine and of up to five deer may be retained by the landholder for consumption but must not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions must hold a copy of the depredation permit. The nonedible portions of any deer ~~the~~ carcass, including head, hide, feet, and antlers, shall be disposed of as specified in

Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition. ~~When a deer is accidentally killed on a road or highway by reason of collision with a motor vehicle, the law enforcement officer who investigates the accident shall, upon request of the operator of the vehicle, provide such operator a written permit authorizing him to possess and transport the carcass of such deer for his personal and lawful use, including delivery of such carcass to a second person for his private use or the use by a charitable organization upon endorsement of such permit to such person or organization by name and when no money or other consideration of value is received for such delivery or endorsement.~~

(3) Fox. ~~Any fox killed accidentally shall be disposed of in the manner provided by Subparagraph (1) or (6) of this Paragraph.~~ Any fox killed under a depredation permit may be disposed of ~~in the same manner as described in Subparagraph (d)(1) of this Rule or,~~ upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.

(4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal ~~either accidentally or~~ for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license, provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

(5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver ~~Carnivora and beaver~~ shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine must be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal must be euthanized or else released on property with permission of the landowner. When the relocation site is public property, written permission must be obtained from an appropriate local, state or federal official before any animal may be released. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit must have the depredation permit in his or her possession.

~~(6) A person killing a wild bird or wild animal accidentally with a motor vehicle or finding a dead wild bird or wild animal which was killed accidentally may possess that wild bird or wild animal for a period not to exceed 10 days for the purpose of delivering it to a taxidermist for preparation. The taxidermist may accept the wild bird or wild animal after satisfying himself that the animal was killed accidentally. The taxidermist shall certify and record the circumstances of acquisition as determined by the injuries to the animal. Licensed taxidermists shall keep accurate records of each wildlife specimen received pursuant to the rule as required by 15A NCAC 10H .1003 of this Chapter. Upon delivery of the finished taxidermy product to the person presenting the animal, the taxidermist shall give the person a receipt indicating the sex and species, date of delivery, circumstances of initial acquisition and the name, address, and signature of the taxidermist. The receipt shall be permanently affixed to the back or bottom of the finished product and shall be retained by the person for as long as the mounted specimen is kept. Mounted specimens possessed pursuant to this Rule may not be sold and, if such specimens are transferred by gift or inheritance, the new owner must retain the permit to document the legality of possession. This provision does not allow possession of accidentally killed raptors; nongame migratory birds; species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter; black bear or wild turkey.~~

~~(7) Edible portions of feral swine taken under depredation permit may be retained by the landowner for consumption or, if stipulated on the permit, donated to a charitable food organization.~~

(e) Reporting Requirements. Any landholder who kills a an alligator, deer, Canada goose, bear or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. The killing and method of disposition of every alligator and bear taken ~~game animal and game bird, every furbearing animal, and every nongame animal or nongame bird~~ for which there is no open season, when killed for committing depredations to property, without a permit, shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing. ~~killing, except that when the carcass or pelt of a fox, killed under a depredation permit, or of a furbearing animal, killed with or~~

1 ~~without a permit, is lawfully sold to a licensed fur dealer in this State the fur dealer is required to report the source of~~  
2 ~~acquisition and no report is required of the seller.~~

3 *History Note:* Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-  
4 307; 113-331; 113-333; 113-334(a); 113-337;

5 *Eff. February 1, 1976;*

6 *Amended Eff. August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1,*  
7 *1995; January 1, 1995; January 1, 1992; August 1, 1990.*

8 *Amended Eff. January 1, 2013*  
9

1 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

2 For wildlife killed accidentally or found dead of natural causes the following applies:

- 3 (1) When a deer is accidentally killed on a road or highway by reason of collision with a motor  
4 vehicle, the law enforcement officer who investigates the accident shall, upon request, authorize  
5 possession and transport of the carcass of such deer for personal and lawful use, including delivery  
6 of such carcass to a second person for his private use or the use by a charitable organization .  
7 Commission employees may authorize possession of any deer or turkey found dead of natural  
8 causes or as the result of a vehicle collision.
- 9 (2) Black bears may not be possessed. Species listed as endangered, threatened, or of special concern  
10 under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter may be possessed with written  
11 permission. Raptors and nongame migratory birds may be possessed under federal permits.
- 12 (3) For all other wildlife possession shall be legal. The sale of any wildlife or wildlife parts found  
13 dead is prohibited, except licensed trappers and hunters may sell the carcasses or pelt of any  
14 beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or  
15 bobcat to a licensed fur dealer if the dead furbearing animal was found during the open season for  
16 that species. Licensed trappers and hunters may also sell the carcasses or pelt of any fox to a  
17 licensed fur dealer if the dead fox was found during an open fox season and the county in which  
18 the fox was found allows for the sale of fox carcasses and pelts. All tagging requirements set forth  
19 in 15A NCAC 10B .0400 apply.

20  
21 *History Note:* Authority G.S. 113-134; 113-274; 113-291.3, 113-291.4; 113-331; 113-333; 113-337;  
22 Eff. January 1, 2013  
23

1 **15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS AND BIRDS**

2 (a) The following definitions apply to this rule:

3 (1) “Category 1 cervid” means any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer,  
4 elk, elk hybrid, moose or any other species of cervid in which the scientific community has  
5 documented Chronic Wasting Disease (CWD).

6 (2) “Category 2 cervid” means any species of cervid in which the scientific community has not  
7 documented CWD.

8 (a) Before any live wild bird or wild animal is imported into North Carolina for any purpose, a permit shall be  
9 obtained from the Executive Director of the North Carolina Wildlife Resources Commission authorizing the  
10 importation, using application forms provided by the Commission. Only captive cervid licensees with Certified  
11 Herds as defined in 15A NCAC 10H .0304 may obtain permits to import cervids.

12 ~~(b) Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a~~  
13 ~~herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed~~  
14 ~~using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A~~  
15 ~~NCAC 10H .0302. There shall be no importation of any cervid from individual U.S. or Mexican states or territories,~~  
16 ~~Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

17 (c) Importation permits for cervids will only be issued for animals that come from U.S. or Mexican states or  
18 territories, Canadian provinces or other countries of origin which have a license type, certification program or  
19 monitoring program that requires captive cervid facility owners to, at a minimum.:

20 (1) submit for CWD testing all deceased animals over the age of 12 months;

21 (2) tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and

22 (3) keep records of all acquisitions and all dispositions in the facility.

23 The requirements specified in Subparagraphs (1), (2) and (3) of this Paragraph apply only to facilities holding  
24 Category 1 cervids, both Category 1 cervids and Category 2 cervids and facilities that have held any Category 1  
25 animal in the previous five years. Importation permit applications must indicate the source herd and if the source  
26 herd includes any Category 1 cervids then that herd must be successfully participating in a certification program or  
27 monitoring program with the requirements listed in this paragraph, or has a license type that does the same.

28 ~~(e)(d)~~ Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife  
29 Resources Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.

30 ~~(d)(e)~~ Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under  
31 the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source  
32 birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards  
33 within 30 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for  
34 inspection by authorized Commission personnel upon request.

36 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*

37 *Eff. February 1, 1976;*

38 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*

39 *Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*

40 *Amended Eff. January 1, 2013*

**15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM**

(a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread of CWD while allowing for the importation of captive cervids. ~~transportation of cervids from herds in which CWD has not been detected for at least five years, in accordance with the requirements in this Section.~~ Only licensees with Certified Herds as defined in Paragraph (e) of this Rule may import captive cervids under the conditions and restrictions set forth in 15A NCAC 10B .0101. ~~request to expand their pen size to accommodate additional cervids and transport cervids within North Carolina for purposes other than those specified in 15A NCAC 10H .0301(f)(4).~~ Licensees with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section. The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be no importation from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild or captive herd.

(b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for enrollment in the Captive Cervid Herd Certification Program. Licensees shall comply with all captivity license requirements outlined in this Section and the rules and laws regulating possession, transportation and importation of cervids in order to remain in the Captive Cervid Herd Certification Program.

(c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply to be enrolled in the Captive Cervid Herd Certification Program. All applications shall be in writing on a form supplied by the Commission. The Commission shall deny an application if:

- (1) the licensee has not complied with all the requirements under the captivity license statutes and all rules pertaining to the holding of cervids in captivity and the transportation or importation of cervids resulting in a failed inspection report for the licensee's most recent inspection; or a pending citation;
- (2) the licensee has provided false information; or
- (3) CWD has been confirmed in a cervid at the licensee's facility.

(d) Enrollment dates. The enrollment date is:

- (1) the first date upon official inspection, documented by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel, on which the licensee has complied with all captivity rules and statutes that pertain to cervids, including tagging, provided that the licensee has continued to comply with these regulations; or
- (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director under the conditions set forth in 15A NCAC 10A .1101(a) that brought the licensee into compliance assuming that there were no other compliance actions pending, provided that the licensee has continued to comply with the captive cervid regulations.

This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel documented that the licensee came into compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all cervids.

(e) Certified herd. ~~When a herd is enrolled an enrollment date is set for a herd in the Captive Cervid Herd Certification Program, if the herd shall be placed in First Year status.~~ If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program, each year on the anniversary of the enrollment date the herd status shall be upgraded by one year. One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not lost or suspended without reinstatement as described in Paragraph (f).

(f) Herd status

- (1) A Certified Herd or any herd enrolled in the program shall have its status suspended or reduced if:
  - (A) the licensee fails to comply with any of the ongoing requirements for captive cervid licenses as identified in 15A NCAC 10H .0301;
  - (B) the licensee violates any other North Carolina law or rule related to captive cervids;
  - (C) an animal in the herd exhibits clinical signs of CWD;



- 1 (D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs  
2 of CWD; or  
3 (E) the herd is quarantined by the State Veterinarian.  
4 (2) A Certified Herd or any herd enrolled in the program shall lose its status if:  
5 (A) an animal in the herd can be traced back to a herd in which CWD has been detected;  
6 (B) CWD is detected in an animal in the herd; or  
7 (C) the licensee loses his or her license.

8 The Wildlife Resources Commission shall review cases of suspended status upon request. A Certified Herd with  
9 suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status  
10 was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.

11 (g) Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a  
12 suspended status, the licensee is responsible for assembling, handling and restraining the captive cervids and all  
13 costs incurred to present the animals for inspection.  
14

15 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;*  
16 *Eff. May 1, 2010.*  
17 *Amended Eff. January 1, 2013*  
18

1 **15A NCAC 10H .0301 GENERAL REQUIREMENTS**

2 (a) Captivity Permit or License Required

- 3 (1) Requirement. The possession of any species of wild animal that is or once was native to this State  
4 or any species of wild bird, native or migratory, that naturally occurs or historically occurred in  
5 this State or any member of the family Cervidae is unlawful unless the institution or individual in  
6 possession obtains from the North Carolina Wildlife Resources Commission (Commission) a  
7 captivity permit or a captivity license as provided by this Rule.
- 8 (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured,  
9 crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within  
10 24 hours of taking possession in order to apply for a captivity permit, provided, however, that  
11 under no circumstances shall an individual take possession of an injured, crippled or orphaned  
12 wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described  
13 in Subparagraph (3) of this Paragraph.
- 14 (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become  
15 a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals  
16 deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may  
17 receive a captivity permit to possess fawns only for such a period of time as may be required for  
18 the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild  
19 white-tailed deer fawns and are available only to individuals recognized by the Commission as  
20 white-tailed deer fawn rehabilitators.

21 (b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or  
22 in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be  
23 required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as  
24 provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal  
25 or bird if the application for such license is denied, or when an existing captivity license is not renewed or is  
26 terminated. Captivity permits shall not be issued for wild turkey, black bear, deer, elk or any other member of the  
27 family Cervidae except as described in Subparagraph (a)(3) of this Rule.

28 (c) Captivity License.

- 29 (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that  
30 are unfit for release. For purposes of this Rule, wild animals are considered "unfit" if they are  
31 incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat  
32 or to other species in that habitat; or if they have been rendered tame by proximity to humans to  
33 the extent that they cannot feed or care for themselves without human assistance. Persons  
34 interested in obtaining a captivity license shall contact the Commission for an application.
- 35 (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be  
36 issued include the following:
- 37 (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
- 38 (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this  
39 Rule, the term "pet" means an animal kept for amusement or companionship. The term  
40 shall not be construed to include cervids held in captivity for breeding for sale to another  
41 licensed operator.
- 42 (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
- 43 (D) For the purpose of holding wild turkey or black bear.
- 44 (E) ~~For the purpose of holding deer, elk or any other member of the family Cervidae, except~~  
45 ~~current licenses which may be renewed as specified in Subparagraph (6) of this~~  
46 ~~Paragraph. For the purpose of obtaining an additional captivity license for a person who~~  
47 ~~already holds a captivity license.~~
- 48 (F) For the purpose of obtaining a new license if the applicant had a license which was  
49 revoked less than five years prior to the application for a new license.
- 50 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or  
51 acquired a facility for keeping the animal or bird in captivity that complies with the standards set  
52 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on  
53 inspection by a representative of the Commission.
- 54 (4) Term of License

- (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.
- (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.
- (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.
- (5) Holders of Captivity License for cervids.
- (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.
- (B) Inspection. The licensee shall make all enclosures at each licensed facility and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
- (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected by the licensee or licensee's agent once a week during normal weather conditions to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection.
- (D) A record-book shall be maintained to record the time and date of the inspection, the name of the person who performed the inspection, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If damage has caused the fence to be breachable, the licensee shall enter a description of measures taken to prevent ingress or egress by cervids. Each record-book entry shall bear the signature or initials of the licensee attesting to the veracity of the entry. The record-book shall be made available to inspection by a representative of the Commission upon request during normal business operating hours.
- (E) Maintenance. Any opening or passage through the enclosure fence that results from damage shall, within one hour of detection, be sealed or otherwise secured to prevent a cervid from escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection. Any damage to the electric fence which makes it non-functional shall be repaired within one week.
- (F) Escape. When a licensee discovers the escape of any cervid from the facility, the licensee or designee shall report within 24 hours the escape to the Commission. If possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take permit and take the escaped cervid pursuant to the terms of the permit. A recaptured live cervid shall be submitted to the Commission for CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study unless the executive director determines that the risk of CWD transmission as a result of this escape is negligible based upon:
- (i) amount of time the escaped cervid remained out of the facility;
  - (ii) proximity of the escaped cervid to wild populations;
  - (iii) known susceptibility of the escaped cervid species to CWD;
  - (iv) nature of the terrain in to which the cervid escaped.
- (G) Chronic Wasting Disease (CWD)

- (i) Detection. Each licensee shall notify the Commission within 24 hours if any cervid within the facility exhibits clinical symptoms of CWD or if a quarantine is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.
    - (ii) Cervid death. The carcass of any captive Category 1 cervid as defined in 15A NCAC 10B .0101 that was 12 ~~six~~ months or older at time of death shall be transported and submitted by the licensee or his designee to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of the cervid's death, or by the end of the next business day, whichever is later. Ear tags distributed by the Commission and subsequently affixed to the cervids as required by this Rule, may not be removed from the cervid's head prior to submitting the head for CWD evaluation.
    - (iii) The Commission shall require testing or forfeiture of cervids from a facility holding cervids in this state should the following circumstances or conditions occur:
      - (I) The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.
      - (II) The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.
  - (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee shall implement the tagging requirement using only the tags provided by the Commission as follows:
    - (i) All cervids born within a facility shall be tagged by March 1 following the birthing season each year. Fawns and calves must be tagged with a button ear tag before sale or transfer to another captive cervid facility within North Carolina. The receiver is required to affix the bangle ear tag before March 1 following the birth of the calf or fawn.
    - (ii) All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
  - (I) Application for Tags.
    - (i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the birthing season of each year. The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:
      - (I) Applicant name, mailing address, and telephone number;
      - (II) Facility name and site address;
      - (III) Captivity license number;
      - (IV) Species of each cervid; and
      - (V) Birth year of each cervid.
    - (ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.

- (J) Placement of Tags.
- (i) A single button ear tag provided by the Commission shall be permanently affixed by the licensee onto either the right or left ear of each cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
  - (ii) A single bangle ear tag provided by the Commission shall be permanently affixed by the licensee onto the right or left ear of each cervid except Muntjac deer, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag. Muntjac deer are not required to be tagged with the bangle tag.
  - (iii) Once a tag is affixed in the manner required by this Rule, it shall not be removed.
- (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:
- (i) Licensee name, mailing address, and telephone number;
  - (ii) Facility name and site address, including the County in which the site is located;
  - (iii) Captivity license number;
  - (iv) Species and sex of each cervid;
  - (v) Tag number(s) for each cervid; and
  - (vi) Birth year of each cervid.
- (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and shall extend the time within which a licensee shall tag cervids consistent with time required to issue a replacement.
- (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee and application shall be made for a replacement upon discovery of the loss. Application for a replacement shall include the information required by Part (c)(5)(I) of this Rule along with a statement and applicant's signature verifying that the information is accurate. Lost tags shall be replaced on the animal by the licensee within 30 days of receipt of the replacement tag.
  - (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or that cannot be read because of malformation or damage to the tags or obscurement of the tag numbers shall be returned to the Commission along with an application for a replacement tag with a statement and applicant's signature verifying that the information in the application is accurate.
- (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal has live cervids and continues to meet the requirements of this Section for the license. ~~Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.~~ All expanded pens shall adhere to fencing specifications set forth in 15A NCAC 10H .0302. No renewals shall be issued for a license that has been allowed to lapse due to the negligence of the former licensee.
- (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint,

- 1 investigation or other cause shall be continued notwithstanding the termination of the original  
2 license.
- 3 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or  
4 the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.
- 5 (e) Sale, Transfer or Release of Captive Wildlife.
- 6 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held  
7 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or  
8 bird may be surrendered to an agent of the Commission.
- 9 (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to  
10 sell or transfer the animal or bird held under such license, except that such animal or bird may be  
11 surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal  
12 or bird (except members of the family Cervidae) to another person who has obtained a license to  
13 hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only  
14 intrastate from between Certified Herds, as defined in 15A NCAC 10H .0304. Any captive cervid  
15 may be sold to a buyer outside of North Carolina. Upon such a sale or transfer, the seller or  
16 transferor shall obtain a receipt for the animal or bird showing the name, address, and license  
17 number of the buyer or transferee, a copy of which shall be provided to the Commission.
- 18 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:  
19 (A) any species of deer, elk or other members of the family Cervidae, or  
20 (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or  
21 (C) any member of the family Suidae.
- 22 (f) Transportation Permit.
- 23 (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully  
24 held wild animal or wild bird within the State.
- 25 (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a  
26 transportation permit from the Commission.
- 27 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued  
28 for deer, elk, or other species in the family Cervidae except into and between Certified Herds as  
29 defined in 15A NCAC 10H .0304.
- 30 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae  
31 may be issued by the Commission to an applicant for the purpose of transporting the animal or  
32 animals for export out of state, to a slaughterhouse for slaughter, from a N.C. Certified Herd to  
33 another captive cervid facility, Certified Herd as defined in 15A NCAC 10H .0304, or to a  
34 veterinary medical facility for treatment provided that the animal for which the permit is issued  
35 does not exhibit clinical symptoms of Chronic Wasting Disease. No person shall transport a cervid  
36 to slaughter or export out of state without bearing a copy of the transportation permit issued by the  
37 Commission authorizing that transportation. No person shall transport a cervid for veterinary  
38 treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of  
39 this Rule. Any person transporting a cervid shall present the transportation permit to any law  
40 enforcement officer or any representative of the Commission upon request, except that a person  
41 transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the  
42 person who issued the approval to any law enforcement officer or any representative of the  
43 Commission upon request.
- 44 (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be  
45 submitted in writing to the Commission and shall include the following information along  
46 with a statement and applicant's signature verifying that the information is accurate:
- 47 (i) Applicant name, mailing address, and telephone number;  
48 (ii) Facility site address;  
49 (iii) Captivity license number;  
50 (iv) Name, address, county and phone number of the slaughter house to which the  
51 cervid will be transported;  
52 (v) Vehicle or trailer license plate number and state of issuance of the vehicle or  
53 trailer used to transport the cervid;  
54 (vi) Name and location of the North Carolina Department of Agriculture Diagnostic  
55 lab where the head of the cervid is to be submitted for CWD testing;  
56 (vii) Date of transportation;



- (viii) Species and sex of each cervid; and  
(ix) Tag number(s) for each cervid.
- (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of a member of the family Cervidae for sale out of state. Application for a transportation permit for purpose of exportation out of state shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, state and phone number of the destination facility to which the cervid is exported;
  - (vi) A copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;
  - (vii) Date of departure;
  - (viii) Species and sex of each cervid; and
  - (ix) Tag number(s) for each cervid.
- (C) Between herds. Application for a transportation permit for purpose of moving a cervid from ~~one a Certified Herd to another captive cervid facility~~ Certified Herd, as defined in 15A NCAC 10H-0304, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
  - (vi) Date of departure;
  - (vii) Species and sex of each cervid; and
  - (viii) Tag number(s) for each cervid.
- (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility name and site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;

- 1 (v) Date of transportation;  
2 (vi) Species and sex of each cervid;  
3 (vii) Tag number(s) for each cervid;  
4 (viii) Name, address and phone number of the veterinarian and clinic that treated the  
5 cervid;  
6 (ix) Symptoms for which cervid received treatment; and  
7 (x) Diagnosis of veterinarian who treated the cervid.

8 (g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be  
9 submitted in writing to the Commission and shall include the following information along with a statement and  
10 applicant's signature verifying that the information is accurate:

- 11 (1) Applicant name, mailing address, and telephone number;  
12 (2) Facility site address;  
13 (3) Captivity license number;  
14 (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the  
15 head of the cervid is to be submitted for CWD testing;  
16 (5) Date of slaughter;  
17 (6) Species and sex of each cervid; and  
18 (7) Tag number(s) for each cervid.

19 Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of  
20 captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

21  
22 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*  
23 *Eff. February 1, 1976;*  
24 *Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*  
25 *Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the*  
26 *permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,*  
27 *2001;*  
28 *Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*  
29 *Amended Eff. January 1, 2013*  
30

**15A NCAC 10H .0302 MINIMUM STANDARDS**

(a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher education that were granted an exemption by the Commission from the standards of this Rule prior to December 1, 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as the captivity license in effect on that date has not expired or been revoked.

(b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the Commission, all holders of captivity licenses shall comply with the following requirements:

(1) Deer, Elk and other species of the family Cervidae

(A) Enclosure specifications. The enclosure shall be on a well-drained site containing natural or manmade shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held provided that no more than 25 percent shall be covered with water. For facilities licensed after January 1, 2013 and any facilities that expand their enclosures, minimum enclosure size shall be based upon the placement of an interior electric fence or the eight foot high fence, whichever fence creates the smaller enclosure size. At no time shall the number of cervids in the enclosure exceed the number allowed by the captivity license, except that fawns and calves shall not count towards the total number of cervids in a facility from the time they are born until March 1 of the following year. ~~The enclosure shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.~~ For enclosures exclusively holding Muntjac deer, the minimum pen size shall be 800 square feet for the first three animals and 200 square feet for each additional animal. No exposed barbed wire, nails, or other protrusions that may cause injury to the animal shall be permitted within the enclosure. Captive cervids shall not be contained within or allowed to enter a place of residence.

(B) Fencing. All enclosures shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet. Facilities first licensed after January 1, 2013 and facilities licensed after that date which expand their enclosures or add a new enclosure shall have one fence meeting these standards surrounding the entire perimeter of each enclosure and an interior or exterior triple-stand electric fence placed at least two feet from the entire perimeter of the eight-foot high fence. The lowest strand shall be two and one-half feet from the ground, the middle strand shall be three and one-half feet from the ground and the top strand shall be five feet from the ground. The electric fence shall have current running through it whenever a captive cervid is within the enclosure, except during maintenance of the electric fence. Enclosures and enclosure expansions shall not contain wild deer or elk. The licensee shall ensure his enclosure is devoid of wild deer or elk before stocking with cervids.

~~(B)~~(C) Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at all times. Food shall be placed in the enclosure as needed, but not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. The animal(s) shall be protected against fright or harm from other animals.

(2) Wild Boars

(A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The minimum size of the enclosure shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held. The enclosure shall be surrounded by a fence at least five feet high and of sufficient strength to contain the animals. No exposed barbed wire or protruding nails shall be permitted within the enclosure. A roofed building large enough to provide shelter in both a standing or a lying position for each boar must be provided. This building shall be closed on three sides. A pool of water for wallowing or a sprinkler system shall be provided on days when heat could cause stress to the animal(s).

(B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times. Food shall be placed in the enclosure as needed, but in any case, not less than three times

- 1 weekly. An effective program for the control of insects, ectoparasites, disease, and odor  
2 shall be established and maintained.
- 3 (3) Wild Birds
- 4 (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural  
5 postures. The enclosure shall be designed in such a way that the birds cannot injure  
6 themselves and are able to maintain a natural plumage. Protection from sun, weather,  
7 and predators shall also be provided.
- 8 (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp  
9 feed. Ample food and clean water shall be available at all times.
- 10 (4) Alligators
- 11 (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain  
12 the animals and that shall prevent contact between the observer and alligator. The  
13 enclosure shall contain a pool of water large enough for the animal to completely  
14 submerge itself. If more than one animal is kept, the pool must be large enough for all  
15 animals to be able to submerge themselves at the same time. A land area with both  
16 horizontal dimensions at least as long as the animal shall also be provided. In case of  
17 more than one animal, the land area shall have both horizontal dimensions at least as long  
18 as the longest animals to occupy the land area at the same time without overlap.
- 19 (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain  
20 good health provided. Protection shall be provided at all times from extremes in  
21 temperature that could cause stress to the animal.
- 22 (5) Black Bear
- 23 (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
- 24 (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12  
25 feet long by six feet high and located in the shade or where shaded during the  
26 afternoon hours of summer, is required. The cage shall have a concrete floor in  
27 which a drainable pool one and one-half feet deep and not less than four by five  
28 feet has been constructed. The bars of the cage shall be of iron or steel at least  
29 one-fourth inch in diameter, or heavy gauge steel chain link fencing may be  
30 used. The gate shall be equipped with a lock or safety catch, and guard rails  
31 shall be placed outside the cage so as to prevent contact between the observer  
32 and the caged animal. The cage must contain a den at least five feet long by five  
33 feet wide by four feet high and so constructed as to be easily cleaned. A  
34 "scratch log" shall be placed inside the cage. The cage shall be equipped with a  
35 removable food trough. Running water shall be provided for flushing the floor  
36 and changing the pool.
- 37 (ii) Sanitation and Care. Food adequate to maintain good health shall be provided  
38 daily; and clean, clear drinking water shall be available at all times. The floor of  
39 the cage and the food trough shall be flushed with water and the water in the  
40 pool changed daily. The den shall be flushed and cleaned at least once each  
41 week in hot weather. An effective program for the control of insects,  
42 ectoparasites, disease, and odor shall be established and maintained. Brush,  
43 canvas, or other material shall be placed over the cage to provide additional  
44 shade when necessary for the health of the animal. The use of collars, tethers or  
45 stakes to restrain the bear is prohibited, except as a temporary safety device.
- 46 (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than  
47 educational institutions or governmental zoos shall be held without caging under  
48 conditions simulating a natural habitat. All of the following conditions must exist to  
49 simulate a natural habitat in a holding facility:
- 50 (i) The method of confinement is by chain link fence, wall, moat, or a combination  
51 of such, without the use of chains or tethers.
- 52 (ii) The area of confinement is at least one acre in extent for one or two bears and an  
53 additional one-eighth acre for each additional bear.
- 54 (iii) Bears are free, under normal conditions, to move throughout such area.
- 55 (iv) At least one-half of the area of confinement is wooded with living trees, shrubs  
56 and other perennial vegetation capable of providing shelter from sun and wind.

- (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
- (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
- (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
- (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
- (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (6) Cougar
- (A) Educational or scientific research institutions and zoos supported by public funds.
- (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
- (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.
- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.
- (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
- (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
- (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
- (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not be compromised, smaller areas shall be permitted.

- (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
- (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
- (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.
- (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.
- (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).
- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (7) Other Wild Animal Enclosures.
- (A) General Enclosure Requirements.
- (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
- (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
- (iii) No tethers or chains shall be used to restrain the animal.
- (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
- (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
- (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Dimensions in Feet				
Animal	Length	Width	Height	Per Animal
Bobcat, Otter	10	5	5	50
Raccoon, Fox, Woodchuck	8	4	4	32
Opossum, Skunk, Rabbit	6	3	3	18
Squirrel	4	2	2	8

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump

length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.

(D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.

(E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

*History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980;  
Temporary Amendment Eff. October 8, 2002;  
Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004.  
Amended Eff. January 1, 2013*



# EXHIBIT K-1

July 12, 2012

## PROPOSED CHANGES IN HUNTING, NONGAME, PERMITTING, GAME LAND MANAGEMENT AND CAPTIVE CERVID REGULATIONS FOR 2013-2014 RECOMMENDED BY AGENCY STAFF FOR PUBLIC NOTICE AND PRESENTATION AT NINE PUBLIC HEARINGS

### Deer

- 1) Move the portions of Avery and Yancey counties that are currently in the Introductory Either-Sex deer season (one day) into the Conservative Either-Sex deer season (six days) for all private lands. Keep game land either-sex season as Introductory (one day).

*Amend the following rule:*

*15A NCAC 10B .0203 Deer (White-tailed) (page 10)*

- 2) Remove restrictions on carrying firearms during the deer bow-and-arrow season and pistols during the muzzleloader season in accordance with state law. Allow hunting with muzzleloading pistols.

*Amend the following rule:*

*15A NCAC 10B .0203 Deer (White-tailed) (pages 10-12)*

### Turkeys

- 1) Allow an adult to accompany more than one youth during the one-day Spring Youth Only Wild Turkey Season.

*Amend the following rule:*

*15A NCAC 10B .0209 Wild Turkey (page 13)*

- 2) Create a one week Spring Youth Only Wild Turkey Season from the first Saturday in April through the following Friday. The bag limit for this entire week will be one bird.

*Amend the following rule:*

*15A NCAC 10B .0209 Wild Turkey (page 13)*

### Squirrels

- 1) Open four additional counties to fox squirrel hunting: Stokes, Surry, Watauga, and Wilkes.

*Amend the following rule:*

*15A NCAC 10B .0206 Squirrels (page 14)*

### Alligators

- 1) Remove rule-based barriers for the take of the American alligator.

*Amend the following rules:*

*15A NCAC 10B .0119 Wildlife Collectors (page 15)*

*15A NCAC 10I .0102 Protection of Endangered/Threatened/Special Concern species (page 16)*

## **Dog Training**

- 1) Allow hunters to carry firearms while dog training.  
*Amend the following rule:*  
*15A NCAC 10B .0114 Dog Training and Field Trials (page 18)*

## **Game Lands**

- 1) Increase user fees for the use of the field trial facilities located on the Sandhills Game Lands from the current \$25.00 to \$75.00 for use of the club house only and \$100 to \$200 for the use of the club house and field trial grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 20)*
- 2) Allow open carry of firearms anytime on state-owned game lands and conservation areas.  
*Amend the following rules:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (pages 20)*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 25&28)*  
*15A NCAC 10J .0102 General Regulation Regarding Use of Conservation Areas (page 39)*
- 3) Prohibit the discharge of any firearm on game lands for purposes other than hunting, trapping, or self-defense except in designated target shooting areas.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 19)*
- 4) Allow hunting by special permit on game lands when the seasons for game animals (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) and game birds (all migratory game birds and upland game birds) are closed.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 24)*
- 5) Limit hunting on game lands with weapons legal for open game animal or game bird seasons.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 24)*
- 6) Allow trapping on Sherwood and Harmon Den Bear Sanctuaries  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use (page 21)*
- 7) Allow waterfowl hunting to take place the Monday after Christmas and the Monday after New Year's Day when these two holidays fall on a Sunday.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 37)*
- 8) Allow a youth/adult dove hunt on opening day of dove season on Needmore Game Lands. This hunt would be on posted dove fields by permit only.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 31)*

- 9) Prohibit equestrian use on Perkins Game Land (Davie County).  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 31)*
- 10) Clarify existing regulations that allow muzzleloader and archery deer hunting on the J. Robert Gordon Field Trial Grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 33)*
- 11) Allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds during all open days of the waterfowl season.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (page 34)*
- 12) Open spring camping season on the game lands on March 31.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands (pages 25-35)*

## **Permits**

- 1) Reduce the regulatory burden upon the public in cases of depredation and allow for better utilization of animals taken under depredation permits by making the following changes:
- remove the \$50.00 threshold for depredation,
  - remove the requirement that municipalities attempt Urban Archery for deer overabundance,
  - allow the take of alligators with depredation permits,
  - allow the take of feral swine with depredation permits,
  - allow any animal taken under a depredation permit to be retained for consumption if written on the permit,
  - remove the limit on the number of deer taken without a permit that can be retained for consumption,
  - allow the edible portions of feral swine taken without a permit to be retained for consumption,
  - allow the use of artificial lights in taking wildlife without a permit, and
  - ease reporting requirements for wildlife taken without a permit.

*Amend the following rule:*  
*15A NCAC 10B .0106 Wildlife Taken for Depredation (pages 41-44)*

- 2) In the Commission's rules, separate the disposition of animals killed in an act of depredation or under a depredation permit from those killed accidentally or found dead and reduce prohibitions on possessing dead wildlife. Under this proposal, a person would be able to:
- request authorization to keep a deer or turkey found dead of natural causes or due to a vehicle collision;
  - possess dead raptors and nongame migratory game birds under a federal permit; and
  - possess any other species of wildlife found dead without Commission authorization, except bears and protected species may not be possessed at all.

*Amend the following rule:*

*15A NCAC 10B .0106 Wildlife Taken for Depredation (pages 42&43)*

*Adopt the following rule:*

*15A NCAC 10B .0127 Possession of Wildlife Killed Accidentally or Found Dead (page 45)*

## **Captive Cervids**

- 1) For regulatory purposes, divide captive cervids into two categories:
- a Category 1 cervid — any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer, elk, elk hybrid, moose or any other species of cervid in which the scientific community has documented Chronic Wasting Disease (CWD) and
  - a Category 2 cervid — any species of cervid in which the scientific community has not documented CWD.

Prohibit importation from any U.S. or Mexican state or territory, Canadian province or other country of origin which has documented CWD in a wild or captive cervid herd.

Establish these importation criteria for Category 1 cervids: the individual U.S. or Mexican state or territory, Canadian province or other country of origin for a captive cervid coming into North Carolina must require facility owners to:

- report all cervid deaths within the facility and submit all animals over the age of 12 months for CWD testing;
- place at least two tags on each animal in the facility; and
- record all acquisitions and dispositions to the herd.

Allow importation of a Category 2 cervid from any state/province/country without restrictions, except importation is prohibited from any state/province/country with CWD for Category 2 and Category 1 cervids. Category 2 cervids that are co-mingled, or have been in the past five years, with Category 1 cervids will be held to the same importation standards as Category 1 cervids.

*Amend the following rules:*

*15A NCAC 10B .0101 Importation of Wild Animals and Birds (page 46)*

*15A NCAC 10H .0304 Captive Cervid Herd Certification Program (page 47)*

- 2) Allow new captive cervid licenses. Require these new facilities to have an interior double-stranded electric fence placed three feet away from the eight-foot fence that surrounds the pen. Prohibit any person with a captivity license from requesting an additional license or obtaining a new license if one was revoked in the previous two years.

*Amend the following rules:*

*15A NCAC 10H .0301 General Requirements (page 49)*

*15A NCAC 10H .0302 Minimum Standards (page 56)*

- 3) Increase the age for the requirement for CWD testing of deceased captive cervids from six months to 12 months.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 51)*

- 4) Reduce the species of captive cervids that must be tested for CWD upon death from all captive cervids to only Category 1 cervids.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 51)*

- 5) Allow for pen expansion for all captive cervid licensees if the expanded pen is double-fenced with an outer eight-foot high fence and an interior double-stranded electric fence placed three feet away from the eight-foot high fence.

*Amend the following rules:*

*15A NCAC 10H .0301 General Requirements (page 52)*

*15A NCAC 10H .0302 Minimum Standards (page 56)*

*15A NCAC 10H .0304 Captive Cervid Herd Certification Program (page 47)*

- 6) Allow transportation of captive cervids from any N.C. Certified herd to any other captive cervid herd up to the licensed pen capacity for the receiving herd.

*Amend the following rule:*

*15A NCAC 10H .0301 General Requirements (page 53)*

## Summary of Proposed Changes to Captive Cervid Program

### *Importation Permit*

<b>Current Restrictions (from 10B .0101 and 10H .0304)</b>	<b>Proposed Restrictions (from 10B .0101 and 10H .0304)</b>
<ol style="list-style-type: none"> <li>1) Only licensees with Certified herds may import.</li> <li>2) May only import from a herd that has not had CWD detected in the past 5 years</li> <li>3) May only import from a herd which has been managed with standards more stringent than or equivalent to N.C. rules.</li> </ol>	<ol style="list-style-type: none"> <li>1) Only licensees with Certified herds may import.</li> <li>2) May not import from any state, province, or other country that has CWD.</li> <li>3) Category 1 cervids may only be imported from a state, province, country that has a monitoring/certification program which requires, for Category 1 cervids: <ul style="list-style-type: none"> <li>• submission for CWD testing all deceased animals over the age of 12 months;</li> <li>• tags, tattoos or otherwise permanently marking all animals over the age of 12 months; and</li> <li>• records kept of all acquisitions and all dispositions in the facility.</li> </ul> </li> <li>4) Category 1 cervids may only be imported from a herd successfully participating in that state's monitoring/certification program.</li> <li>5) Category 2 cervids may be imported from any CWD-free state with no restrictions, unless that cervid comes from a facility that also contains Category 1 cervids, or has been in a facility with Category 1 cervids in the past five years. If a Category 2 cervid comes from a "mixed" herd it is subject to the same importation requirements as a Category 1 cervid.</li> </ol>

### *Testing*

<b>Current Requirement (from 10H .0301)</b>	<b>Proposed Requirement (from 10H .0301)</b>
Mandatory testing of any captive cervid aged six months or older at time of death.	Mandatory testing of any Category 1 cervid aged 12 months or older at time of death.

*Licenses*

<b>Current Restrictions (from 10H .0301)</b>	<b>Proposed Restrictions (from 10H .0301)</b>
No new licenses issued.	<ol style="list-style-type: none"><li>1) No captivity license for cervids will be issued to someone who already holds a captivity license for cervids.</li><li>2) No captivity license for cervids will be issued to individuals who had a captivity license for cervids revoked within the previous two years.</li></ol>

*Fencing*

<b>Current Requirement (from 10H .0302)</b>	<b>Proposed Requirements (from 10H .0302)</b>
Each facility must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.	<ol style="list-style-type: none"><li>1) Facilities licensed prior to January 1, 2013 must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.</li><li>2) Facilities licensed after January 1, 2013, must be contained by:<ul style="list-style-type: none"><li>• a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet AND</li><li>• an interior double-strand electric fence placed at least three feet from the outer eight-foot high fence with the bottom electric strand 2 ½ feet above the ground and the top strand five feet above ground.</li></ul></li><li>3) Facilities licensed after January 1, 2013, may not contain any wild cervids prior to stocking with captive cervids. Licensees shall ensure all enclosures are devoid of wild deer or elk before stocking with captive cervids.</li></ol>



*Pen Expansion*

<b>Current Restrictions (from 10H .0301 and 10H .0304)</b>	<b>Proposed Restrictions (from 10H .0301 and 10H .0304)</b>
Only licensees with Certified herds may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.	Any licensee may expand a pen or add a new pen but must adhere to the fencing standards set forth for new facilities in 10H .0302. For expanded pens, these standards apply to the entire pen, not just the expanded portion.

*Transportation Permit*

<b>Current Restrictions (from 10H .0301 and 10H .0304)</b>	<b>Proposed Restrictions (from 10H .0301 and 10H .0304)</b>
Transportation allowed for: <ul style="list-style-type: none"><li>• export out of state,</li><li>• to a slaughterhouse for slaughter,</li><li>• to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and</li><li>• from a N.C. Certified Herd to another N.C. Certified Herd.</li></ul>	Transportation allowed for: <ul style="list-style-type: none"><li>• export out of state,</li><li>• to a slaughterhouse for slaughter,</li><li>• to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and</li><li>• from a N.C. Certified Herd to another N.C. captive cervid licensed facility. The receiving facility may not receive more animals than allowed under their licensed pen size.</li></ul>

**15A NCAC 10B .0203 DEER (WHITE-TAILED)**

**(a) Open Seasons (All Lawful Weapons) for hunting deer:**

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons:

(A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus\*, Cumberland, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond\*\*, Robeson, Sampson, Scotland\*\*, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties.

\*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

\*\*Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.

(B) Saturday before Thanksgiving through January 1 in all Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, Wilkes\*, and Yadkin counties.

\*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

(C) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Swain, Transylvania, and Yancey counties.

(D) Two Saturdays before Thanksgiving through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

(E) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.

(F) Monday of Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of Cleveland and Rutherford counties, except for South Mountain Game Land.

- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph: (Refer to 15A NCAC 10D .0103 for either sex seasons on Game Lands):

(A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde, Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.

(B) The open either-sex deer hunting dates established by the appropriate military commands during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) Youth either sex deer hunts. First Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission and the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties;

- and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission.
- (D) The last open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of ~~Buncombe, \*Haywood, Buncombe\*, Haywood,~~ Henderson, Madison and Transylvania counties. \*\*counties\*\* and the following parts of counties:  
~~Avery: That part south of the Blue Ridge Parkway; and~~  
~~Yancey: That part south of US 19 and US 19E.~~  
 \*except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280  
 \*\*see 15A NCAC 10D .0103 for deer of either sex seasons on game lands that differ from the days identified in this Subparagraph
- (E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Avery, Burke, Caldwell, McDowell, Mitchell and Yancey counties. the following parts of counties:  
~~Avery: That part north of the Blue Ridge Parkway;~~  
~~Yancey: That part north of US 19 and US 19E.~~
- (F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Cleveland, Polk and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln and Gaston counties and in the following parts of counties:  
 Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and  
 Henderson. That part east of NC 191 and north and west of NC 280.
- (b) Open Seasons (Bow and Arrow) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:
- (A) Saturday on or nearest September 10 to the third Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.
- (B) Saturday on or nearest September 10 to the third Friday before Thanksgiving in the counties and parts of counties having the open seasons for Deer with Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule except for that portion of Buffalo Cove Game Land in Wilkes County.
- (C) Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (a)(1) of this Rule and in Cleveland and Rutherford counties.
- (D) Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.
- (2) Restrictions
- (A) Dogs may not be used for hunting deer during the bow and arrow season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- ~~(B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season, except:~~
- ~~(i) if the firearm is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina; or~~

(ii) ~~the firearm is a .22 caliber rimfire pistol carried for the purpose of dispatching a wounded deer in accordance with G.S. 113-291.1(k).~~

~~(C)(B)~~ Only archery equipment bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.

(c) Open Seasons (Muzzle-Loading Firearms ~~Rifles, Shotguns~~ and Bow and Arrow) for hunting deer:

(1) **Authorization.** Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with muzzle-loading firearms and bow and arrow during the following seasons:

(A) The Saturday on or nearest October 1 to the Friday of the second week thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.

(B) The third Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties\* and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.

\*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.

(C) Monday on or nearest October 1 to the Saturday of the second week thereafter in Cleveland and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part C of Subparagraph (a)(1) of this Rule.

(D) The fourth Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek and Sandhills Game Lands.

## (2) Restrictions

(A) Deer of either sex may be taken during muzzle-loading firearms and bow and arrow season in and east of the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the last day of this season ~~muzzle-loading firearms and bow and arrow season~~ in all other counties.

(B) Dogs shall not be used for hunting deer during the muzzle-loading firearms and bow and arrow seasons, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).

~~(C) — Pistols shall not be carried while hunting deer during the muzzle loading firearms and bow and arrow seasons, except:~~

(i) ~~a handgun may be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina; and~~

~~(ii) a .22 caliber rimfire pistol may be carried for the purpose of dispatching a wounded deer in accordance with G.S. 113-291.1(k).~~

(d) Open Season (Urban Season) for hunting deer:

(1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in participating cities in the state, as defined in G.S. 160A-1(2), from the second Saturday following January 1 to the fifth Saturday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.

(2) **Participation.** Cities that intend to participate in the urban season must send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee. Cities must also submit a map of the city's boundaries within which the urban season shall apply.

(3) Restrictions:

(A) Dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).

~~(B) — It is unlawful to carry any type of firearm while hunting with a bow during the urban season, except:~~

~~(i) if the firearm is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the~~

requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina; or  
(ii) the firearm is a .22-caliber rimfire pistol carried for the purpose of dispatching a wounded deer in accordance with G.S. 113-291.1(k).

(C)(B) Only archery equipment bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. In and east of Vance, Franklin, Wake, Harnett, Moore and Richmond counties, the possession limit is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the possession limit is six deer, up to two of which may be deer with visible antlers. The season limit in all counties of the state is six deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card on lands others than lands enrolled in the Commission's game land program during any open deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this Rule. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on state-owned game lands. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;*  
*Eff. February 1, 1976;*  
*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;*  
*Temporary Amendment Eff. July 1, 1999;*  
*Amended Eff. July 1, 2000;*  
*Temporary Amendment Eff. July 1, 2002; July 1, 2001;*  
*Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 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, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*  
*Amended Eff. August 1, 2013*

1 **15A NCAC 10B .0209 WILD TURKEY**

2 (a) Open Seasons:

- 3 (1) Spring Wild Turkey Season shall be from the second Saturday in April through the Saturday of the  
4 fourth week thereafter on bearded or male turkeys only in all counties statewide.
- 5 (2) Spring Youth Only Wild Turkey Season: the Spring Youth Only Wild Turkey Season shall be ~~for~~  
6 ~~one day on from~~ the first Saturday in April until the Friday thereafter on bearded or male wild  
7 turkeys only. The bag limit during the Spring Youth Only Wild Turkey season is one bird. For  
8 purposes of this Subparagraph a youth hunter shall be less than 16 years of age. Each youth  
9 hunting during this season shall be accompanied by a properly licensed adult at least 21 years of  
10 age. ~~An adult may accompany only one youth during any particular hunt and only one weapon is~~  
11 ~~allowed per youth hunter. The adult must remain in close enough proximity to monitor the~~  
12 ~~activities of, and communicate with, the youths at all times.~~

13 (b) Bag Limits: The daily bag limit shall be one bird and the annual bag limit shall be two birds. Possession limit  
14 is two birds.

15 (c) Dogs: The use of dogs for hunting wild turkeys is prohibited.

16 (d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B  
17 .0113.

18  
19 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5;*  
20 *Eff. February 1, 1976;*  
21 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*  
22 *July 1, 1992;*  
23 *Temporary Amendment Eff. July 1, 1999;*  
24 *Amended Eff. July 1, 2000;*  
25 *Temporary Amendment Eff. July 1, 2001;*  
26 *Temporary Amendment Eff. July 1, 2002;*  
27 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*  
28 *Temporary Amendment Eff. June 1, 2003;*  
29 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*  
30 *17, 2003);*  
31 *Amended Eff. May 1, 2009; May 1, 2007; November 1, 2005.*  
32 *Amended Eff. January 1, 2013*  
33

**15A NCAC 10B .0206 SQUIRRELS**

**(a) Open Seasons:**

- (1) Gray and red squirrels may be taken by hunting on the Monday on or closest to October 15 to the last day of February.
- (2) Fox squirrels may be taken by hunting on the Monday on or nearest October 15 to December 31 in the counties of Alleghany, Anson, Ashe, Bladen, Brunswick, Cumberland, Duplin, Edgecombe, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, Moore, New Hanover, Onslow, Pender, Pitt, Richmond, Sampson, ~~Scotland~~ Scotland, Stokes, Surry, Watauga, Wayne and Wilkes. ~~and Wayne.~~

**(b) Bag Limits:**

- (1) The daily bag limit for gray and red squirrels is eight and there are no season and no possession limits.
- (2) In those counties listed in Subparagraph (a)(2) of this Rule, the daily bag limit for fox squirrels is one; the possession limit is two, and the season limit is 10.

*History Note*

*Authority G.S. 113-134; 113-291.2;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2006; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985.*

*Amended Eff. August 1, 2013*



1 **15A NCAC 10B .0119 WILDLIFE COLLECTORS**

2 (a) Collection Licenses. The Executive Director is authorized to license qualified individuals to take or collect any  
3 species of wildlife resources except that endangered, threatened and special concern species may not be taken or  
4 collected except under a special permit issued by the Executive Director for research ~~purposes~~: purposes, unless  
5 there is an open season for the species. If an open season exists for the species then the appropriate hunting, fishing  
6 or trapping license can serve as the authorization for take. This Rule shall not prohibit an individual from killing an  
7 endangered, threatened, or special concern species in defense of his own life or the lives of others without a permit.  
8 Individuals who annually collect less than five reptiles or less than 25 amphibians that are not on the endangered,  
9 threatened or special concern lists are exempted from this license requirement. Such license shall be issued upon  
10 payment of a fee in accordance with the General Statutes, except that licenses shall be issued to representatives of  
11 educational or scientific institutions or of governmental agencies without charge. Such license shall be used in lieu  
12 of any other hunting or trapping license required by law and shall authorize possession and transportation of the  
13 wildlife incidental to the authorized taking, except that it shall not authorize the taking, possession or transportation  
14 of any species of wildlife in violation of federal laws or regulations.

15 (b) Limits on collection. Individuals shall collect no more than 10 turtles from the family Chelydridae (snapping  
16 turtles) per day and no more than 100 per calendar year. Individuals shall collect no more than 10 turtles from the  
17 family Kinosternidae (mud and musk turtles) per day and no more than 100 per calendar year.

18 (c) Qualifications of Licensees. In addition to representatives of educational and scientific institutions and  
19 governmental agencies the collection license may be issued to any individual for any purpose when such is not  
20 deemed inimical to the efficient conservation of the species to be collected or to some other wildlife species that  
21 may be dependent thereon.

22 (d) Methods of Taking. The manner of taking wildlife resources under a collection license may be specified by the  
23 Executive Director pursuant to G.S. 113-272.4(d) and need not be restricted to the usual methods of hunting or  
24 trapping.

25 (e) Term of License. The Executive Director may, pursuant to G.S. 113-272.4(c), impose time limits and other  
26 restrictions on the duration of any collection license, but unless so restricted the license shall be valid from January 1  
27 through December 31 of the applicable year.

28 (f) Report of Collecting Activity. Each individual licensed under this Rule shall submit a written report to the  
29 Executive Director within 15 days following the date of expiration of the license. The report shall be on a form  
30 supplied by the Wildlife Resources Commission and shall show the numbers of each species taken under the license  
31 and the use or disposition thereof. The Executive Director may require additional information for statistical  
32 purposes such as the dates and places of the taking and the sex, size, weight, condition, and approximate age of each  
33 specimen taken. Such additional information may be required on the form of report or by a separate writing  
34 accompanying the form.

35 (g) Other Requirements and Restrictions. The Executive Director may, pursuant to G.S. 113-272.4(d), impose such  
36 other requirements and restrictions on persons licensed under this Rule as he may deem to be necessary to the  
37 efficient administration of the wildlife conservation laws and regulations.

38  
39 *History Note: Authority G.S. 113-134; 113-272.4;*

40 *Eff. January 1, 1981;*

41 *Amended Eff. May 1, 2009; May 1, 2008; April 1, 2001; February 1, 1994; November 1, 1990;*

42 *September 1, 1989.*

43 *Amended Eff. January 1, 2013*

1 **15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN**

2 (a) No Open Season. There ~~shall be is~~ no open season for taking any of the species listed as endangered in Rule  
3 .0103, or threatened in Rule .0104 of this ~~Section. Section, except for the American alligator (*Alligator*~~  
4 ~~*mississippiensis*) as set forth in the rules of this Chapter.~~ Unless otherwise provided in North Carolina General  
5 Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in  
6 Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or  
7 possess any of such species at any time.

8 (b) Permits. The executive director may issue permits to take or possess an endangered, threatened, or special  
9 concern species:

- 10 (1) To an individual or institution with experience and training in handling, and caring for the wildlife  
11 and in conducting a scientific study, for the purpose of scientific investigation relevant to  
12 perpetuation or restoration of said species or as a part of a scientifically valid study or restoration  
13 effort;
- 14 (2) To a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained  
15 the specimen or specimens in his or her possession, possesses the requisite equipment and  
16 expertise to care for such specimen or specimens and abides by the caging requirements for the  
17 species set forth in 15A NCAC 10H .0302;
- 18 (3) To a person who lawfully possessed any such species for more than 90 days immediately prior to  
19 the date that such species was listed and who abides by the caging requirements for the species set  
20 forth in 15A NCAC 10H .0302, provided however, that no permit shall be issued more than ninety  
21 days after the effective date of the initial listing for that species; and
- 22 (4) To a person with demonstrable depredation from a Special Concern ~~species.~~ Species, or the  
23 American alligator (*Alligator mississippiensis*).

24 (c) Taking Without a Permit:

- 25 (1) An individual may take an endangered, threatened, or special concern species in defense of his  
26 own life or the lives of others; or
- 27 (2) A state or federal conservation officer or employee who is designated by his agency to do so may,  
28 when acting in the course of his official duties, take, possess, and transport endangered,  
29 threatened, or special concern species if the action is necessary to:
- 30 (A) aid a sick, injured, diseased or orphaned specimen;
- 31 (B) dispose of a dead specimen;
- 32 (C) salvage a dead specimen which may be useful for scientific study; or
- 33 (D) remove specimens which constitute a demonstrable but nonimmediate threat to human  
34 safety, provided the taking is done in a humane and noninjurious manner. The taking  
35 may involve injuring or killing endangered, threatened, or special concern species only if  
36 it is not reasonably possible to eliminate the threat by live-capturing and releasing the  
37 specimen unharmed, in a habitat that is suitable for the survival of that species.

38 (d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Paragraphs  
39 (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations and the  
40 reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).

41 (e) Exceptions.

- 42 (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American  
43 alligators, which have been lawfully taken in a state in which there is an open season for  
44 harvesting alligators, may be possessed, bought and sold when such products are marketed in  
45 packages or containers which are labeled to indicate the state in which they were taken and the  
46 identity, address, and lawful authority of the processor or distributor;
- 47 (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild  
48 for falconry purposes and for falconry propagation, provided that a valid North Carolina  
49 endangered species permit has been obtained as required in Paragraph (b) of this Rule;
- 50 (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered or traded as  
51 provided in 50 C.F.R. 21.30 when marked as required under those regulations; and
- 52 (4) Importation, possession, sales, transportation and exportation of species listed as special concern  
53 species in Rule .0105 of this Section is allowed under permit by retail and wholesale  
54 establishments whose primary function is providing scientific supplies for research provided that:
- 55 (A) the specimens were lawfully obtained from captive or wild populations outside of North  
56 Carolina;

- 1 (B) they are possessed in indoor facilities;  
2 (C) all transportation of specimens provides safeguards adequate to prevent accidental  
3 escape; and  
4 (D) importation, possession and sale or transfer is permitted only as listed in Parts (e)(4)(A)  
5 and (B) of this Rule.

6 (f) A written application to the Commission is required for a permit to authorize importation, and possession for the  
7 purpose of retail or wholesale sale. The application shall identify the source of the specimens, and provide  
8 documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation,  
9 advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental  
10 escape and sales to unauthorized individuals.

11 (g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit  
12 to state and federal governmental agencies, corporate research entities, and research institutions provided that:

- 13 (1) sales are permitted to out of state consumers;  
14 (2) they must be possessed in indoor facilities and that all transportation of specimens provides  
15 safeguards adequate to prevent accidental escape;  
16 (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol  
17 for this species; and  
18 (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina  
19 and may not be transferred to any private individual.  
20

21 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;*  
22 *Eff. June 11, 1977;*  
23 *Amended Eff. January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997;*  
24 *February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*  
25 *Amended Eff. January 1, 2013*

1 **15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS**

2 (a) Except as provided in Paragraphs (b) and (c) of this Rule, each person engaged in training or running a dog or  
3 dogs and each active participant in a field trial shall have obtained a North Carolina hunting license. The term  
4 "active participant" as used herein includes each person who owns or handles dogs, carries a firearm, or is a member  
5 of an organized group engaged in the conduct of a field trial, but does not include a person who is observing a field  
6 trial incidentally or who has stopped to witness a part of it.

7 (b) A person serving as judge of a commission-sanctioned field trial and any nonresident participating therein may  
8 do so without having a North Carolina license, provided the nonresident has in his possession a valid hunting license  
9 issued by the state of his residence. A "commission-sanctioned" field trial is one which, pursuant to a written  
10 request from the sponsoring organization, has been authorized in writing and scheduled for occurrence by an  
11 authorized representative of the Wildlife Resources Commission.

12 (c) Persons without license may participate in commission-sanctioned field trials for beagles conducted without  
13 firearms on private field trial areas which are fenced in accordance with G.S. 113-276(k).

14 (d) Except as allowed by rules pertaining to authorized field trials, ~~and handguns carried by individuals with valid~~  
15 ~~concealed handgun permits,~~ it is unlawful to carry ~~firearms,~~ axes, saws or climbing irons while training or running  
16 dogs during closed season on game animals.

17 (e) ~~Except as authorized in this Paragraph, no firearms, except handguns carried by individuals with valid concealed~~  
18 ~~handgun permits, or other hunting weapons may shall be possessed or used during any field trial for foxhounds or~~  
19 ~~any field trial conducted during the closed hunting season for any other species of wildlife serving as the quarry or~~  
20 ~~prey.~~ On a commission-sanctioned field trial for retrievers or bird dogs, shotguns containing live ammunition or  
21 firearms using only blank ammunition may be used only when the application for and the authorization of the field  
22 trial so provide. No wild waterfowl, quail or pheasant shall be used in field trials when shotguns with live  
23 ammunition are permitted. All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird  
24 propagator. Each specimen of waterfowl so obtained shall be marked by one of the methods provided by 50 C.F.R.  
25 21.13. Each pheasant or quail so obtained shall be banded by the propagator prior to delivery with a leg band that is  
26 imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy of the  
27 receipt from the propagator showing the date and the number and species of birds purchased. The copy of the  
28 receipt shall be available for inspection by any authorized agent of the Wildlife Resources Commission during the  
29 time and at the place where the trial is being held.

30 (f) Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at  
31 least 30 days prior to the scheduled event.

32 (g) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller  
33 during the closed season using domestically raised waterfowl and domestically raised game birds. Only nontoxic  
34 shot shall be used when training dogs using domestically raised waterfowl. All domestically raised waterfowl shall  
35 be individually tagged on one leg with a seamless band stamped with the number of the propagation license for the  
36 facility from which the domestically raised waterfowl originated. All other domestically raised game birds shall be  
37 individually tagged on one leg with a band indicating the propagation license number for the facility from which the  
38 birds originated.

39  
40 *History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13;*  
41 *Eff. February 1, 1976;*

42 *Amended Eff. January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1,*  
43 *1990.*

44 *Amended Eff. January 1, 2013*

**15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

(a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days of any applicable deer season.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on any game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone and the person or persons requesting entry can demonstrate a valid need or such person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to all use by the general public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public due to topographical features or activities occurring on the area.
- (6) Establishment of Archery, Restricted Firearms, and Restricted Zones. The Commission shall conduct a public input meeting in the area where the game land is located before establishing any archery, restricted firearms or restricted zone. After the input meeting the public comments shall be presented to an official Commission meeting for final determination.
- (7) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.

(b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county or municipality, except as permitted by the landowner.

(c) Use of weapons. No person shall discharge:

- (1) any firearm for purposes other than hunting, trapping, or self-defense, except on designated shooting areas;
- (2) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;
- (3) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (4) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

~~Possession of Hunting Devices. Firearms and archery equipment may only be possessed on a game land during the open hunting seasons or hunting days for game birds or game animals, other than fox or coyote. Firearms and archery equipment may also be possessed if:~~

- ~~(1) the device is cased or not immediately available for use;~~
- ~~(2) the device is used by persons participating in field trials on field trial areas;~~
- ~~(3) the device is used by persons on target shooting areas designated by the landowner;~~
- ~~(4) the device is possessed in designated camping areas for defense of persons and property;~~
- ~~(5) the device is a .22 caliber pistol with a barrel not greater than seven and one half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm on game lands at any time other than by deer hunters during the special bow and arrow and muzzle loading firearms~~

deer hunting season, except under conditions authorized in G.S. 113-291.1(k), and by individuals training dogs during closed season without field trial authorization; or

(6) ~~the device is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. The permission to carry a handgun does not apply on the following game lands: Bladen Lakes State Forest, Buckhorn, Butner Falls of Neuse, Chatham, DuPont State Forest, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Pee Dee River north of U.S. 74, Sutton Lake, Vance and that portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119.~~

This Paragraph does not prevent possession or use of a bow and arrow as a licensed special fishing device in those waters where such use is authorized. Furthermore, only shotguns with any size shot, archery equipment as defined in 15A NCAC 10B .0116, and handguns carried by individuals with valid concealed handgun permits may be possessed during the big game season for turkey. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, ~~or while hunting waterfowl on Butner Falls of Neuse Game Land or New Hope Game Land,~~ except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Buckhorn, Butner-Falls of Neuse, Chatham, Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Sutton Lake, and Vance game lands and Pee Dee River Game Land north of U.S. 74, and that portion of R. Wayne Bailey-Caswell Game Land that is located north of U.S. 158 and east of N.C. 119 no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is cased or not immediately available for use;
- (2) the firearm is used by persons participating in field trials on field trial areas; or
- (3) the firearm is possessed in designated camping areas for defense of persons and property.

(d) Game Lands License: Hunting and Trapping

- (1) Requirement. Except as provided in Subparagraph (2) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, or participating in dog training or field trial activities shall have in his possession a game lands license in addition to the appropriate hunting or trapping licenses. A field trial participant is defined as a Judge, Handler, Scout or Owner.
- (2) Exceptions
  - (A) A person under 16 years of age may hunt on game lands on the license of his parent or legal guardian.
  - (B) The resident and nonresident sportsman's licenses include game lands use privileges.
  - (C) Judges and nonresidents participating in field trials under the circumstances set forth in Paragraph (e) of this Rule may do so without the game lands license.
  - (D) On the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

(e) Field Trials and Training Dogs. A person serving as judge of a field trial which, pursuant to a written request from the sponsoring organization, has been authorized in writing and scheduled for occurrence on a game land by an authorized representative of the Wildlife Resources Commission, and any nonresident Handler, Scout or Owner participating therein may participate without procuring a game lands license, provided such nonresident has in his possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the commission's agent an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) ~~one hundred dollars (\$100.00)~~ for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) ~~twenty five dollars (\$25.00)~~ per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Laurinburg Fox Trial or the Sandhills Field Trial grounds without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the approval so obtained. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the

approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on any game land located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities and the applying organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the primary goals of the agency.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302 and .0303, trapping of furbearing animals is permitted on game lands during the applicable open seasons, except that trapping is prohibited:

- (1) on the field trial course of the Sandhills Game Land;
- ~~(2) on the Harmon Den and Sherwood bear sanctuaries in Haywood County;~~
- ~~(3)(2)~~ in posted "safety zones" located on any game land;
- ~~(4)(3)~~ by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- ~~(5)(4)~~ on the John's River Waterfowl Refuge in Burke County; and
- ~~(6)(5)~~ on the Dupont State Forest Game Lands.

On those areas of state-owned land known collectively as the Roanoke River Wetlands controlled trapping is allowed under a permit system.

~~(g) Use of Weapons. In addition to zone restrictions described in Paragraph (a) no person shall discharge a weapon within 150 yards of any Game Lands building or designated Game Lands camping area, except where posted otherwise, or within 150 yards of any residence located on or adjacent to game lands, except no person shall discharge a firearm within 150 yards of any residence located on or adjacent to Butner Falls of Neuse and Jordan Game Lands.~~

~~(h)(g)~~ Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed, maintained and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (k) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (n) of this Rule and is abiding by the rules described in Paragraph (n).

~~(i)(h)~~ Camping. No person shall camp on any game land except on an area designated by the landowner for camping.

~~(j)(i)~~ Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.

~~(k)(j)~~ Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:

- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (2) paralysis of one or more limbs;



- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- (5) deafness.

On game lands where the privileges described in Paragraph (n) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles or other passenger vehicles:

- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.

Each program participant may be accompanied by one ~~able-bodied~~ companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their ~~able-bodied~~ companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.

~~(h)(k)~~ Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given when release of such animals is determined by a North Carolina Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife Resources Commission.

~~(m)(l)~~ Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (k) of this Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but must comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act, may use wheelchairs or other mobility devices designed for indoor pedestrian use on any area where foot travel is allowed.

~~(n)(m)~~ Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted by the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use. Those game lands, or parts thereof, where this Paragraph applies are designated in the game land rules and map book. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted to wildlife food or cover. One ~~able-bodied~~ companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact with the disabled person. The companion may participate in all lawful activities while assisting a disabled person, provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under this provision shall prominently display the vehicular access permit issued by the Wildlife Resources Commission in the passenger area of the vehicle. It is unlawful for anyone other than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt, during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind.

~~(o)(n)~~ Public nudity. Public nudity, including nude sunbathing, is prohibited on any Game Land, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

~~(p)(o)~~ Definitions: For the purpose of this Subchapter "Permanent Hunting Blind" is defined as any structure that is used for hunter concealment, constructed from man made or natural materials, and that is not disassembled and removed at the end of each day's hunt.

~~(q)(p)~~ Shooting Ranges. On state-owned game lands, no person shall use designated shooting ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills or for other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except that activities which have been approved by the Commission and for which a permit has been issued may be conducted, provided

1 that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the  
2 activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the grounds  
3 of the range. This includes any items used as targets, except that clay targets broken on the range, by the shooter,  
4 may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of the  
5 range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent,  
6 impede or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle  
7 or other object at any place on the shooting range other than such a place or zone as is designated as an authorized  
8 parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting  
9 range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post or other  
10 permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would  
11 cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller  
12 may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a  
13 shooting range must obey posted range safety rules and those persons who violate range safety rules or create a  
14 public safety hazard must leave the shooting range if directed to by law enforcement officers or Commission  
15 employees. No person shall handle any firearms on a shooting range while under the influence of an impairing  
16 substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Shooting ranges  
17 are open from sunrise to sunset on Monday through Saturday. Firearms shall be unloaded and cased when being  
18 transported to the shooting range while on Game Lands. No person, when using any shooting range, shall do any act  
19 which is prohibited or neglect to do any act which is required by signs or markings placed on such area under  
20 authority of this Rule for the purpose of regulating the use of the area.

21 ~~(+)(q)~~ Limited-access Roads. During the months of June, July and August, roads posted as "Limited-access Roads"  
22 are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and  
23 closing times.  
24

25 *History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*  
26 *Eff. February 1, 1976;*  
27 *Amended Eff. July 1, 1993; April 1, 1992;*  
28 *Temporary Amendment Eff. October 11, 1993;*  
29 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*  
30 *Temporary Amendment Eff. July 1, 1999;*  
31 *Amended Eff. July 1, 2000;*  
32 *Temporary Amendment Eff. August 31, 2001;*  
33 *Amended Eff. August 1, 2002;*  
34 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July*  
35 *17, 2003);*  
36 *Amended Eff. January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*  
37 *2007; May 1, 2006; November 1, 2005.*  
38 *Amended Eff. August 1, 2013*

**15A NCAC 10D .0103 HUNTING ON GAME LANDS**

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be ~~Except where closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted.~~ On managed waterfowl impoundments, persons-hunters shall: shall

(1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates; ~~dates, and hunting is prohibited~~

(2) not hunt after 1:00 p.m. on such hunting dates; decoys shall

(3) not be set decoys out prior to 4:00 a.m. and must be removed

(4) remove decoys by 3:00 p.m. each day; and day. No person shall

(5) not operate any vessel or vehicle powered by an internal combustion engine. engine on a managed ~~waterfowl impoundment.~~

On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

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

(2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday and Fridays. ~~falconry~~ Falconry may also be practiced on Sundays. These "open days" also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.

(3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons.

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

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only elsewhere in this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

(1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties

(A) Six Days per Week Area

(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season in that portion in Montgomery county and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.

- (2) Alligator River Game Land in Tyrrell County
- (A) Six Day per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (4) Bachelor Bay Game Land in Bertie, Martin and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) ~~Handguns shall not be carried and, except~~ Except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be ~~used, used or possessed.~~
- (D) On the Singletary Lake Tract deer and bear may be taken only by still hunting.
- (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to September 1 through the last day of February ~~February 28 and March 31~~ ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (7) Brinkleyville Game Land in Halifax County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable deer with visible antlers season.
- (C) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
- (A) Hunting is by permit only.
- (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
- (A) Hunting is by permit only.
- (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting shall be allowed on those days.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the deer with visible antlers season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or

- 1 nearest October 1 through the Saturday of the second week thereafter, and during the  
2 Deer With Visible Antlers season.
- 3 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible  
4 Antlers Season.
- 5 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and  
6 all horseback riding is prohibited from September 1 through May 15.
- 7 (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- 8 (A) Three Days per Week Area
- 9 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
10 applicable Deer With Visible Antlers Season.
- 11 (13) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
14 applicable Deer With Visible Antlers Season.
- 15 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas, New  
16 Year's and Martin Luther King, Jr. Days and on the opening and closing days of the  
17 applicable waterfowl seasons. On the posted waterfowl impoundments a special permit  
18 is required for all waterfowl hunting after November 1.
- 19 (D) Horseback riding is prohibited.
- 20 (E) Target shooting is prohibited
- 21 (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- 22 (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of  
23 Falls Lake.
- 24 (H) The use of bicycles is restricted to designated areas, except that this restriction does not  
25 apply to hunters engaged in the act of hunting during the open days of the applicable  
26 seasons for game birds and game animals.
- 27 (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are  
28 limited to September 1 through the last day of February and March 31 ~~April 7~~ through  
29 May 14.
- 30 (14) Buxton Woods Game Land in Dare County:
- 31 (A) Six Days per Week Area.
- 32 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible  
33 Antlers Season.
- 34 (15) Cape Fear River Wetlands Game Land in Pender County
- 35 (A) Six Days per Week Area
- 36 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible  
37 Antlers Season.
- 38 (C) Turkey hunting ~~Hunting~~ is by permit only on that portion known as the Roan Island  
39 Tract.
- 40 (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west  
41 of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road  
42 and south of NC 210 to the Black River.
- 43 (16) Carteret County Game Land in Carteret County
- 44 (A) Six Days per Week Area
- 45 (B) Deer of either sex may be taken the first six open days and the last six open days of the  
46 applicable Deer With Visible Antlers Season.
- 47 (C) The use of dogs for hunting deer is prohibited.
- 48 (17) R. Wayne Bailey-Caswell Game Land in Caswell County
- 49 (A) Three Days per Week Area
- 50 (B) Deer of either sex may be taken the last six open days of the applicable Deer With  
51 Visible Antlers Season.
- 52 (C) Horseback riding is allowed only during June, July, and August and on Sundays during  
53 the remainder of the year except during open turkey and deer seasons. Horseback riding  
54 is allowed only on roads opened to vehicular traffic. Participants must obtain a game  
55 lands license prior to engaging in such activity.

- (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 ~~April 7~~ through May 14.
- (18) Catawba Game Land in Catawba County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
- (19) Chatham Game Land in Chatham County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (20) Cherokee Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (21) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (22) Chowan Swamp Game Land in Bertie, Gates and Hertford counties.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear hunting is restricted to the first three hunting days during the November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (23) Cold Mountain Game Land in Haywood County
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (24) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (25) Croatan Game Land in Carteret, Craven and Jones counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
  - (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
  - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (26) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
  - (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
  - (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not ~~possess or~~ use a firearm.
  - (D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or shoreline.
  - (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
  - (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
  - (G) Deer of either sex may be taken all the days of the applicable deer with visible antlers season.
- (27) Dare Game Land in Dare County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) No hunting is allowed on posted parts of bombing range.
  - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (28) Dover Bay Game Land in Craven County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the days of the applicable deer with visible antlers season.
- (29) Dupont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by Permit only.
  - (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- (30) Elk Knob Game Land in Watauga County
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (31) Embro Game Land in Halifax and Warren counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
  - (C) Horseback riding is prohibited.
- (32) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Six Days per Week Area
  - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
  - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
    - (i) the opening and closing days of the applicable waterfowl seasons;
    - (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and



- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek and Hobucken.
- (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (F) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 to the end of February and April 1 to May 15 to individuals that possess a valid hunting opportunity permit.
- (33) Green River Game Land in Henderson, and Polk counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (34) Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (35) Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons; and
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- (D) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (E) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season, except for that portion designated as bear sanctuary.
- (36) Harris Game Land in Chatham, Harnett and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) The use or construction of permanent hunting blinds shall be prohibited.
- (E) Wild turkey hunting is by permit only.
- (F) Target shooting is prohibited.
- (37) Holly Shelter Game Land in Pender County
- (A) Three Days per Week Area.
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Camping is restricted to September 1 through the last day of February ~~February 28~~ and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.

- (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (F) The use of dogs for hunting deer and bear is prohibited on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road.
- (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
- (38) Hyco Game land in Person County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- (39) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- (40) Johns River Game Land in Burke County
- (A) Hunting is by permit only.
- (B) During permitted deer hunts deer of either-sex may be taken by permit holders.
- (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31 except by lawful waterfowl hunting permit holders and only on those days written on the permits.
- (D) The use or construction of permanent hunting blinds is prohibited.
- (41) Jordan Game Land in Chatham, Durham, Orange and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.
- (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July and August, and on Sundays the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (42) Juniper Creek Game Land in Brunswick and Columbus counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
- (C) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (43) Kerr Scott Game Land in Wilkes County
- (A) Six Days per Week Area
- (B) Use of centerfire rifles is prohibited.
- (C) Use of muzzleloaders, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
- (D) Tree stands shall not be left overnight and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.

- (E) Deer of either sex may be taken on all open days of the applicable deer with visible antlers season.
- (F) Hunting on posted waterfowl impoundments is by permit only.
- (G) The use of firearms for hunting wild turkey is prohibited.
- (44) Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Wild turkey hunting is by permit only.
- (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
- (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (45) Lee Game Land in Lee County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- (46) Light Ground Pocosin Game Land in Pamlico County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
- (47) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (48) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (49) Mayo Game Land in Person County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.
- (D) Target shooting is prohibited.
- (50) Mitchell River Game Land in Surry County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last six days of the applicable Deer with Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (51) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
- (52) Needmore Game Land in Macon and Swain counties.
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (53) Neuse River Game Land in Craven County
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (54) New Lake Game Land in Hyde and Tyrrell counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (55) Nicholson Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
- (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) On Lake Upchurch, the following activities are prohibited:
- (i) No person shall operate any vessel or vehicle powered by an internal combustion engine; and
- (ii) Swimming.
- (56) North River Game Land in Camden and Currituck counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (D) Hunting on the posted waterfowl impoundment is by permit only.
- (57) Northwest River Marsh Game Land in Currituck County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (58) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
- (D) Target shooting is prohibited.
- (59) Perkins Game Land in Davie County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (60) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (61) Pond Mountain Game Land in Ashe County

- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer with Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (D) Deer and bear hunting is by permit only.
- (62) Pungo River Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (63) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
- (B) Swimming is prohibited on the area.
- (64) Roanoke River Wetlands in Bertie, Halifax, Martin and Northampton counties
- (A) Hunting is by Permit only.
- (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (C) Camping is restricted to September 1 through the last day of February February 28 and March 31 April 7 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- (65) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (66) Robeson Game Land in Robeson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (67) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with bow and arrow on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
- (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) Taking fox squirrels is prohibited.
- (68) Rocky Run Game Land in Onslow County: Hunting is by permit only.
- (69) Sampson Game Land in Sampson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (70) Sandhills Game Land in Hoke, Moore, Richmond and Scotland counties
- (A) Three Days per Week Area
- (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
- (i) deer may be taken with archery equipment on all the open days of the bow-and-arrow season through the fourth Friday before Thanksgiving; with legal muzzleloading firearms and archery equipment all the open days of the muzzleloader season through the second Saturday before Thanksgiving; and with all legal weapons from the second Monday before Thanksgiving through the Saturday following Thanksgiving.

- (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
- (iii) opossum, raccoon and squirrel (gray & fox) may be taken all the open days from second Monday before Thanksgiving through the Saturday following Thanksgiving;
- (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving through the Saturday following Thanksgiving;
- (v) waterfowl may be taken on open days during any waterfowl season, and
- (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt.
- ~~(B)(C)~~ The Deer With Visible Antlers season for deer ~~is consists of~~ the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving except on the J. Robert Gordon Field Trial Grounds field trial grounds where the gun season is open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving.
- (D) The bow-and-arrow season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through Jan. 1. Deer may be taken with archery equipment ~~bow and arrow~~ on all open hunting days during the bow and arrow season, the Deer with Visible antlers season, and the muzzleloader season as stated in this sub-paragraph, and from the third Monday after Thanksgiving through January 1, except on the field trial grounds.
- (E) Muzzleloader season is all the open days from the fourth Saturday preceeding Thanksgiving through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving through January 1. Deer may be taken with muzzle-loading firearms on all open hunting days during the muzzleloader season and beginning the fourth Saturday before Thanksgiving through the Wednesday of the second week thereafter, during the Deer With Visible Antlers ~~season, season,~~ and from the third Monday after Thanksgiving through January 1, except on the field trial grounds.
- ~~(C)(F)~~ Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only. ~~Except for the deer, opossum, rabbit, raccoon and squirrel seasons indicated for the field trial grounds in this Rule and Disabled Sportsman Program hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.~~
- ~~(D)(G)~~ In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- ~~(E)(H)~~ Wild turkey hunting is by permit only.
- ~~(F)~~ ~~Dove hunting on the field trial grounds is prohibited from the third Sunday in September through the remainder of the hunting season.~~
- ~~(G)~~ ~~Opossum, raccoon and squirrel (fox and gray) hunting on the field trial grounds is allowed on open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving and rabbit season on the field trial grounds is from the Saturday preceding Thanksgiving through the Saturday following Thanksgiving.~~
- ~~(H)(I)~~ The following areas are permit-only for all quail and woodcock hunting and dog training on birds:
- (i) In Richmond County: that part east of US 1;
- (ii) In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north of Scotland Lake Lane.
- ~~(J)~~ Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless riding in authorized field trials.
- ~~(K)~~ Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 ~~April 7~~ through May 14.
- (71) Sandy Creek Game Land in Nash and Franklin Counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (72) Sandy Mush Game Land in Buncombe and Madison counties.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer with Visible Antlers season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (D) Dogs shall only be trained on Mondays, Wednesdays and Saturdays and only as allowed in 15A NCAC 10D .0102(e).
- (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
- (73) Second Creek Game Land in Rowan County- hunting is by permit only.
- (74) Shocco Creek Game Land in Franklin, Halifax, Nash and Warren counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (75) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may be taken with bow and arrow on open days beginning the Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers season. Deer may be taken with muzzle-loading firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (E) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford counties is closed to all grouse, quail and woodcock hunting and all bird dog training.
- (76) Stones Creek Game Land in Onslow County
- (A) Six-Day per Week Area.
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Swimming in all lakes is prohibited.
- (D) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (77) Suggs Mill Pond Game Land in Bladen and Cumberland counties
- (A) Hunting and trapping is by Permit only.
- (B) Camping is restricted to September 1 through ~~the last day of February~~ ~~February 28~~ and ~~March 31~~ ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (C) Entry is prohibited on scheduled hunt or trapping days except for:
- (i) hunters or trappers holding special hunt or trapping permits; and
- (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (78) Sutton Lake Game Land in New Hanover and Brunswick counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.



- (C) Target shooting is prohibited.
- (79) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (80) Three Top Mountain Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (81) Thurmond Chatham Game Land in Alleghany and Wilkes counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. Participants must obtain a game lands license prior to horseback riding on this area.
- (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (82) Tillery game Land in Halifax County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (E) Wild turkey hunting is by permit only.
- (83) Toxaway Game Land in Jackson and Transylvania counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (84) Uwharrie Game Land in Davidson, Montgomery and Randolph counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first six open days and the last open six days of the applicable Deer With Visible Antlers Season.
- (85) Vance Game Land in Vance County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (86) Van Swamp Game Land in Beaufort and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (87) White Oak River Game Land in Onslow County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.

- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- (E) The Huggins Tract and Morton Tracts have the following restrictions:
- (i) Access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit;
  - (ii) Hunting is by permit only; and
  - (iii) The use of dogs for hunting deer is prohibited.
- (F) Wild turkey hunting is by permit only.
- (88) Whitehall Plantation Game Land in Bladen County
- (A) Hunting and trapping is by permit only.
  - (B) Camping is restricted to September 1 through the last day of February and March 31 ~~April 7~~ through May 14 in areas both designated and posted as camping areas.
- (i) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator agent or by phone.
- (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:
- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands,
  - (2) Bertie County—Roanoke River National Wildlife Refuge,
  - (3) Bladen County—Suggs Mill Pond Game Lands,
  - (4) Burke County—John's River Waterfowl Refuge,
  - (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting),
  - (6) Dare County—Roanoke Sound Marshes Game Lands, and
  - (7) Henderson and Transylvania counties—Dupont State Forest Game Lands.
- (k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission will be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (l) Free-ranging swine may be taken by licensed hunters during the open season for any game animal using any legal manner of take allowed during those seasons. Dogs may not be used to hunt free-ranging swine except on game lands which allow the use of dogs for hunting deer or bear and during the applicable deer or bear season.
- (m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.
- (n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.
- (n) As used in this Rule, horseback riding includes all equine species.
- (p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

*History Note:* Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;  
Eff. February 1, 1976;  
Temporary Amendment Eff. October 3, 1991;  
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995;  
September 1, 1994; July 1, 1994;  
Temporary Amendment Eff. October 1, 1999; July 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. July 1, 2002; July 1, 2001;  
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);  
Temporary Amendment Eff. June 1, 2003;

1                    *Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);*  
2                    *Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*  
3                    *2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1,*  
4                    *2004.*  
5                    *Amended Eff. January 1, 2013*

**15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF CONSERVATION AREAS**

(a) Trespass. Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation, hunting, trapping or fishing shall be as authorized by the landowner. On those areas designated and posted as Colonial Waterbird Nesting Areas, entry is prohibited during the period of April 1 through August 31 of each year, except by written permission of the landowner. Entry into Colonial Waterbird Nesting Areas during the period of September 1 through March 31 is as authorized by the landowner.

(b) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any wildlife conservation area except in receptacles provided for disposal of such refuse. No garbage dumps or sanitary landfills shall be established on any wildlife conservation area by any person, firm, corporation, county or municipality, except as permitted by the landowner.

(c) Use and possession of weapons. No person shall discharge:

- (1) any firearm for purposes other than hunting, trapping, or self-defense, except on designated shooting areas;
- (2) any weapon from a vehicle;
- (3) any weapon within 200 yards of any building or designated camping areas;
- (4) any weapons within, into, or across a posted "safety zone;" and
- (5) a firearm within, into, or across a posted "restricted zone."

~~Possession of Hunting Devices Firearms and archery equipment may only be possessed on a designated wildlife conservation area during the open hunting seasons or hunting days for game birds or game animals thereon except firearms and archery equipment may also be possessed under the following conditions:~~

- ~~(1) the device is cased or not immediately available for use,~~
- ~~(2) the device may be possessed in designated camping areas for defense of persons and property,~~
- ~~(3) the device is a .22 caliber pistol with a barrel not greater than seven and one half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm on designated wildlife conservation areas at any time other than by deer hunters during the special bow and arrow and muzzle loading firearms deer hunting season, except under conditions authorized in G.S. 113-291.1(k), or~~
- ~~(4) the device is a handgun carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.~~

~~This Rule does not prevent possession or use of bow and arrow as a licensed special fishing device in those waters where such use is authorized. During the closed firearms seasons on big game (deer, bear, wild turkey), no person shall possess a shotgun shell larger than No. 4 shot or any rifle or pistol larger than a .22 caliber rimfire while on a designated wildlife conservation area except that shotgun shells containing any size steel or non-toxic shot may be used while waterfowl hunting. No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting waterfowl on any area designated as a wildlife conservation area, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.~~

(d) License Requirements:

- (1) Hunting and Trapping:
  - (A) Requirement. Except as provided in Part (d)(1)(B) of this Rule, any person entering upon any designated wildlife conservation area for the purpose of hunting or trapping shall have in his possession a game lands use license in addition to the appropriate hunting or trapping licenses.
  - (B) Exception. A person under 16 years of age may hunt on designated wildlife conservation areas on the license of his parent or legal guardian.
- (2) Trout Fishing. Any person 16 years of age or over, including an individual fishing with natural bait in the county of his residence, entering a designated wildlife conservation area for the purpose of fishing in designated public mountain trout waters located thereon must have in his possession a regular fishing license and special trout license. The resident and nonresident sportsman's licenses and short-term comprehensive fishing licenses include trout fishing privileges on designated wildlife conservation areas.

(e) Training Dogs. Dogs shall not be trained on designated wildlife conservation areas except during open hunting seasons for game animals or game birds thereon. Dogs are not allowed to enter any wildlife conservation area designated and posted as a colonial waterbird nesting area during the period of April 1 through August 31.

(f) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, trapping of fur-bearing animals is permitted on any area designated and posted as a wildlife conservation area during the applicable open seasons, except that trapping is prohibited:

- (1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and
- (2) in posted "safety zones" located on any Wildlife Conservation Area.

~~(g) Use of Weapons. No person shall hunt or discharge a firearm or bow and arrow from a vehicle, or within 200 yards of any building or designated camping areas, or within, into, or across a posted "safety zone" on any designated wildlife conservation area. No person shall hunt with or discharge a firearm within, into, or across a posted "restricted zone" on any designated wildlife conservation area.~~

~~(h)~~ (g) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.

~~(i)~~ (h) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except on those areas designated and posted as Colonial Waterbird Nesting Areas.

~~(j)~~ (i) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a person may swim in waters adjacent to coastal island wildlife conservation areas.

~~(k)~~ (j) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters located on designated wildlife conservation areas.

~~(l)~~ (k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions.

~~(m)~~ (l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson Cohen Wildlife Conservation Area.

~~(n)~~ (m) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written authorization of the Wildlife Resources Commission.

~~(o)~~ (n) Possession and removal. No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other materials may be possessed on or removed from conservation areas without written permission from the Commission. For purposes of this Rule, "other materials" includes: all metals, minerals, rocks, soil, organic debris, buildings, fences, historic artifacts and water.

*History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 113-296; 113-297;  
Eff. February 1, 1990;  
Amended Eff. January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June 1, 2005.  
Amended Eff. January 1, 2013*

**15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS OR ACCIDENTALLY**

(a) ~~Depredation Permit:~~ Depredation permits allow the take of undesirable or excess wildlife resources as described in subparagraphs 1 and 2 of this paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit must be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the property, however the manner of taking, disposition of dead wildlife and reporting requirements as described in this Rule still apply.

~~(1) — Endangered or Threatened Species.~~

No permit shall be issued to take any endangered or threatened species of wildlife listed under ~~15A NCAC 10I 15A NCAC 10I~~, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0103 and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species which may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

~~(2) — Other Wildlife Species. Except as provided in Subparagraph (1) of this Paragraph, the Executive Director or an agent of the Wildlife Resources Commission may, upon application of a landholder and after such investigation of the circumstances as he may require, issue a permit to such landholder to take any species of~~

(1) for taking wildlife which is or has been damaging or destroying his property provided there is evidence of property damage, damage in excess of fifty dollars (\$50.00). No permit may be issued for the taking of any migratory birds and other federally protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and, in the discretion of the Executive Director or an agent, may contain limitations as to age, sex or any other condition within the species so named. The permit must be issued to a landholder or an authorized representative of a unit of local government for depredations on public property. The permit may be used only by the landholder or another person individuals named on the permit.

~~(3)(2) Special Circumstances. In addition to the circumstances described in Subparagraph (2) of this Paragraph, the Executive Director or his designee may issue a permit to a person or persons for the taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) Municipalities seeking such a depredation permit must apply to the Executive Director using a form supplied by the Commission which will request the following information:~~

- ~~(A) the name and location of the city; municipality;~~
- ~~(B) the acreage of the affected property;~~
- ~~(C) a map of the affected property;~~
- ~~(D) the signature of an authorized city municipality representative;~~
- ~~(E) the nature of the overabundance or the threat to public safety; safety and~~
- ~~(F) any a description of previous actions taken by the city municipality to ameliorate the problem. problem; and~~
- ~~(F) in the case of deer overabundance or a threat to public safety from deer, the years in which the municipality participated in the Urban Archery Season. If the municipality has not participated in the Urban Archery Season, the municipality must explain why.~~

(4) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of at least 85 percent on a written examination provided by a representative of the Wildlife Resources Commission in cooperation with the training course provider shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in subparagraph (a)(1)

of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for big game animals, bats, or species listed as endangered, threatened or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs must report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records must be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. Wildlife Damage Control Agent status shall be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA must renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months.

(b) ~~Term of Permit.~~ Each depredation permit ~~issued by the Executive Director or an agent shall have entered thereon a date or time of~~ an expiration after which date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and must be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule. the same is invalid for any purpose, except as evidence of lawful possession of any wildlife that may be retained thereunder.

(c) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season such depredating wildlife may be taken without a permit only by the use of ~~firearms~~ firearms or archery equipment as defined in 15A NCAC 10B .0116. Landholders may use artificial lights to take depredating wildlife.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps must be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit the method of trapping must be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(d) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed ~~accidentally or~~ without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit must have the depredation permit in their possession. Except as provided by the succeeding Subparagraphs of (d)(2) through (5) ~~(6)~~ of this Rule, all wildlife killed under a depredation permit must be buried or otherwise disposed of ~~in a safe and sanitary manner. as stated on the permit.~~
- (2) ~~Deer.~~ Deer and feral swine. The edible portions of feral swine and of up to five deer may be retained by the landholder for consumption but must not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions must hold a copy of the depredation permit. The nonedible portions of any deer ~~the~~ carcass, including head, hide, feet, and antlers, shall be disposed of as specified in



Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition. ~~When a deer is accidentally killed on a road or highway by reason of collision with a motor vehicle, the law enforcement officer who investigates the accident shall, upon request of the operator of the vehicle, provide such operator a written permit authorizing him to possess and transport the carcass of such deer for his personal and lawful use, including delivery of such carcass to a second person for his private use or the use by a charitable organization upon endorsement of such permit to such person or organization by name and when no money or other consideration of value is received for such delivery or endorsement.~~

(3) Fox. ~~Any fox killed accidentally shall be disposed of in the manner provided by Subparagraph (1) or (6) of this Paragraph.~~ Any fox killed under a depredation permit may be disposed of ~~in the same manner as described in Subparagraph (d)(1) of this Rule or,~~ upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.

(4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal ~~either accidentally or~~ for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license, provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

(5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver ~~Carnivora and beaver~~ shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine must be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal must be euthanized or else released on property with permission of the landowner. When the relocation site is public property, written permission must be obtained from an appropriate local, state or federal official before any animal may be released. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit must have the depredation permit in his or her possession.

~~(6) A person killing a wild bird or wild animal accidentally with a motor vehicle or finding a dead wild bird or wild animal which was killed accidentally may possess that wild bird or wild animal for a period not to exceed 10 days for the purpose of delivering it to a taxidermist for preparation. The taxidermist may accept the wild bird or wild animal after satisfying himself that the animal was killed accidentally. The taxidermist shall certify and record the circumstances of acquisition as determined by the injuries to the animal. Licensed taxidermists shall keep accurate records of each wildlife specimen received pursuant to the rule as required by 15A NCAC 10H .1003 of this Chapter. Upon delivery of the finished taxidermy product to the person presenting the animal, the taxidermist shall give the person a receipt indicating the sex and species, date of delivery, circumstances of initial acquisition and the name, address, and signature of the taxidermist. The receipt shall be permanently affixed to the back or bottom of the finished product and shall be retained by the person for as long as the mounted specimen is kept. Mounted specimens possessed pursuant to this Rule may not be sold and, if such specimens are transferred by gift or inheritance, the new owner must retain the permit to document the legality of possession. This provision does not allow possession of accidentally killed raptors; nongame migratory birds; species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter; black bear or wild turkey.~~

~~(7) Edible portions of feral swine taken under depredation permit may be retained by the landowner for consumption or, if stipulated on the permit, donated to a charitable food organization.~~

(e) Reporting Requirements. Any landholder who kills a an alligator, deer, Canada goose, bear or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. The killing and method of disposition of every alligator and bear taken ~~game animal and game bird, every furbearing animal, and every nongame animal or nongame bird~~ for which there is no open season, when killed for committing depredations to property, without a permit, shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing, ~~killing,~~ except that when the carcass or pelt of a fox, killed under a depredation permit, or of a furbearing animal, killed with or

1 ~~without a permit, is lawfully sold to a licensed fur dealer in this State the fur dealer is required to report the source of~~  
2 ~~acquisition and no report is required of the seller.~~

3 *History Note:* Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-  
4 307; 113-331; 113-333; 113-334(a); 113-337;

5 *Eff. February 1, 1976;*

6 *Amended Eff. August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1,*  
7 *1995; January 1, 1995; January 1, 1992; August 1, 1990.*

8 *Amended Eff. January 1, 2013*  
9

1 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

2 For wildlife killed accidentally or found dead of natural causes the following applies:

- 3 (1) When a deer is accidentally killed on a road or highway by reason of collision with a motor  
4 vehicle, the law enforcement officer who investigates the accident shall, upon request, authorize  
5 possession and transport of the carcass of such deer for personal and lawful use, including delivery  
6 of such carcass to a second person for his private use or the use by a charitable organization .  
7 Commission employees may authorize possession of any deer or turkey found dead of natural  
8 causes or as the result of a vehicle collision.
- 9 (2) Black bears may not be possessed. Species listed as endangered, threatened, or of special concern  
10 under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter may be possessed with written  
11 permission. Raptors and nongame migratory birds may be possessed under federal permits.
- 12 (3) For all other wildlife possession shall be legal. The sale of any wildlife or wildlife parts found  
13 dead is prohibited, except licensed trappers and hunters may sell the carcasses or pelt of any  
14 beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or  
15 bobcat to a licensed fur dealer if the dead furbearing animal was found during the open season for  
16 that species. Licensed trappers and hunters may also sell the carcasses or pelt of any fox to a  
17 licensed fur dealer if the dead fox was found during an open fox season and the county in which  
18 the fox was found allows for the sale of fox carcasses and pelts. All tagging requirements set forth  
19 in 15A NCAC 10B .0400 apply.

20  
21 History Note: Authority G.S. 113-134; 113-274; 113-291.3, 113-291.4; 113-331; 113-333; 113-337;  
22 Eff. January 1, 2013  
23

1 **15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS AND BIRDS**

2 (a) The following definitions apply to this rule:

3 (1) “Category 1 cervid” means any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer,  
4 elk, elk hybrid, moose or any other species of cervid in which the scientific community has  
5 documented Chronic Wasting Disease (CWD).

6 (2) “Category 2 cervid” means any species of cervid in which the scientific community has not  
7 documented CWD.

8 (a) Before any live wild bird or wild animal is imported into North Carolina for any purpose, a permit shall be  
9 obtained from the Executive Director of the North Carolina Wildlife Resources Commission authorizing the  
10 importation, using application forms provided by the Commission. Only captive cervid licensees with Certified  
11 Herds as defined in 15A NCAC 10H .0304 may obtain permits to import cervids.

12 (b) ~~Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a~~  
13 ~~herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed~~  
14 ~~using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A~~  
15 ~~NCAC 10H .0302. There shall be no importation of any cervid from individual U.S. or Mexican states or territories,~~  
16 ~~Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

17 (c) Importation permits for cervids will only be issued for animals that come from U.S. or Mexican states or  
18 territories, Canadian provinces or other countries of origin which have a license type, certification program or  
19 monitoring program that requires captive cervid facility owners to, at a minimum.:

20 (1) submit for CWD testing all deceased animals over the age of 12 months;

21 (2) tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and

22 (3) keep records of all acquisitions and all dispositions in the facility.

23 The requirements specified in Subparagraphs (1), (2) and (3) of this Paragraph apply only to facilities holding  
24 Category 1 cervids, both Category 1 cervids and Category 2 cervids and facilities that have held any Category 1  
25 animal in the previous five years. Importation permit applications must indicate the source herd and if the source  
26 herd includes any Category 1 cervids then that herd must be successfully participating in a certification program or  
27 monitoring program with the requirements listed in this paragraph, or has a license type that does the same.

28 ~~(e)(d)~~ Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife  
29 Resources Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.

30 ~~(d)(e)~~ Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under  
31 the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source  
32 birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards  
33 within 30 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for  
34 inspection by authorized Commission personnel upon request.

36 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*

37 *Eff. February 1, 1976;*

38 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*

39 *Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*

40 *Amended Eff. January 1, 2013*

**15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM**

(a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread of CWD while allowing for the importation of captive cervids. ~~transportation of cervids from herds in which CWD has not been detected for at least five years, in accordance with the requirements in this Section.~~ Only licensees with Certified Herds as defined in Paragraph (e) of this Rule may import captive cervids under the conditions and restrictions set forth in 15A NCAC 10B .0101. ~~request to expand their pen size to accommodate additional cervids and transport cervids within North Carolina for purposes other than those specified in 15A NCAC 10H .0301(f)(4).~~ Licensees with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section. The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be no importation from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild or captive herd.

(b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for enrollment in the Captive Cervid Herd Certification Program. Licensees shall comply with all captivity license requirements outlined in this Section and the rules and laws regulating possession, transportation and importation of cervids in order to remain in the Captive Cervid Herd Certification Program.

(c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply to be enrolled in the Captive Cervid Herd Certification Program. All applications shall be in writing on a form supplied by the Commission. The Commission shall deny an application if:

- (1) the licensee has not complied with all the requirements under the captivity license statutes and all rules pertaining to the holding of cervids in captivity and the transportation or importation of cervids resulting in a failed inspection report for the licensee's most recent inspection; or a pending citation;
- (2) the licensee has provided false information; or
- (3) CWD has been confirmed in a cervid at the licensee's facility.

(d) Enrollment dates. The enrollment date is:

- (1) the first date upon official inspection, documented by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel, on which the licensee has complied with all captivity rules and statutes that pertain to cervids, including tagging, provided that the licensee has continued to comply with these regulations; or
- (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director under the conditions set forth in 15A NCAC 10A .1101(a) that brought the licensee into compliance assuming that there were no other compliance actions pending, provided that the licensee has continued to comply with the captive cervid regulations.

This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel documented that the licensee came into compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all cervids.

(e) Certified herd. ~~When a herd is enrolled an enrollment date is set for a herd in the Captive Cervid Herd Certification Program, if the herd shall be placed in First Year status.~~ If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program, each year on the anniversary of the enrollment date the herd status shall be upgraded by one year. One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not lost or suspended without reinstatement as described in Paragraph (f).

(f) Herd status

- (1) A Certified Herd or any herd enrolled in the program shall have its status suspended or reduced if:
  - (A) the licensee fails to comply with any of the ongoing requirements for captive cervid licenses as identified in 15A NCAC 10H .0301;
  - (B) the licensee violates any other North Carolina law or rule related to captive cervids;
  - (C) an animal in the herd exhibits clinical signs of CWD;

- 1 (D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs  
2 of CWD; or  
3 (E) the herd is quarantined by the State Veterinarian.  
4 (2) A Certified Herd or any herd enrolled in the program shall lose its status if:  
5 (A) an animal in the herd can be traced back to a herd in which CWD has been detected;  
6 (B) CWD is detected in an animal in the herd; or  
7 (C) the licensee loses his or her license.

8 The Wildlife Resources Commission shall review cases of suspended status upon request. A Certified Herd with  
9 suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status  
10 was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.

11 (g) Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a  
12 suspended status, the licensee is responsible for assembling, handling and restraining the captive cervids and all  
13 costs incurred to present the animals for inspection.  
14

15 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;*  
16 *Eff. May 1, 2010.*  
17 *Amended Eff. January 1, 2013*  
18

1 **15A NCAC 10H .0301 GENERAL REQUIREMENTS**

2 (a) Captivity Permit or License Required

- 3 (1) Requirement. The possession of any species of wild animal that is or once was native to this State  
4 or any species of wild bird, native or migratory, that naturally occurs or historically occurred in  
5 this State or any member of the family Cervidae is unlawful unless the institution or individual in  
6 possession obtains from the North Carolina Wildlife Resources Commission (Commission) a  
7 captivity permit or a captivity license as provided by this Rule.
- 8 (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured,  
9 crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within  
10 24 hours of taking possession in order to apply for a captivity permit, provided, however, that  
11 under no circumstances shall an individual take possession of an injured, crippled or orphaned  
12 wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described  
13 in Subparagraph (3) of this Paragraph.
- 14 (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become  
15 a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals  
16 deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may  
17 receive a captivity permit to possess fawns only for such a period of time as may be required for  
18 the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild  
19 white-tailed deer fawns and are available only to individuals recognized by the Commission as  
20 white-tailed deer fawn rehabilitators.

21 (b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or  
22 in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be  
23 required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as  
24 provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal  
25 or bird if the application for such license is denied, or when an existing captivity license is not renewed or is  
26 terminated. Captivity permits shall not be issued for wild turkey, black bear, deer, elk or any other member of the  
27 family Cervidae except as described in Subparagraph (a)(3) of this Rule.

28 (c) Captivity License.

- 29 (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that  
30 are unfit for release. For purposes of this Rule, wild animals are considered "unfit" if they are  
31 incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat  
32 or to other species in that habitat; or if they have been rendered tame by proximity to humans to  
33 the extent that they cannot feed or care for themselves without human assistance. Persons  
34 interested in obtaining a captivity license shall contact the Commission for an application.
- 35 (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be  
36 issued include the following:
- 37 (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
- 38 (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this  
39 Rule, the term "pet" means an animal kept for amusement or companionship. The term  
40 shall not be construed to include cervids held in captivity for breeding for sale to another  
41 licensed operator.
- 42 (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
- 43 (D) For the purpose of holding wild turkey or black bear.
- 44 (E) ~~For the purpose of holding deer, elk or any other member of the family Cervidae, except~~  
45 ~~current licenses which may be renewed as specified in Subparagraph (6) of this~~  
46 ~~Paragraph. For the purpose of obtaining an additional captivity license for a person who~~  
47 ~~already holds a captivity license.~~
- 48 (F) For the purpose of obtaining a new license if the applicant had a license which was  
49 revoked less than five years prior to the application for a new license.
- 50 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or  
51 acquired a facility for keeping the animal or bird in captivity that complies with the standards set  
52 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on  
53 inspection by a representative of the Commission.
- 54 (4) Term of License

- (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.
- (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.
- (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.
- (5) Holders of Captivity License for cervids.
- (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.
- (B) Inspection. The licensee shall make all enclosures at each licensed facility and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
- (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected by the licensee or licensee's agent once a week during normal weather conditions to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection.
- (D) A record-book shall be maintained to record the time and date of the inspection, the name of the person who performed the inspection, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If damage has caused the fence to be breachable, the licensee shall enter a description of measures taken to prevent ingress or egress by cervids. Each record-book entry shall bear the signature or initials of the licensee attesting to the veracity of the entry. The record-book shall be made available to inspection by a representative of the Commission upon request during normal business operating hours.
- (E) Maintenance. Any opening or passage through the enclosure fence that results from damage shall, within one hour of detection, be sealed or otherwise secured to prevent a cervid from escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection. Any damage to the electric fence which makes it non-functional shall be repaired within one week.
- (F) Escape. When a licensee discovers the escape of any cervid from the facility, the licensee or designee shall report within 24 hours the escape to the Commission. If possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take permit and take the escaped cervid pursuant to the terms of the permit. A recaptured live cervid shall be submitted to the Commission for CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study unless the executive director determines that the risk of CWD transmission as a result of this escape is negligible based upon:
- (i) amount of time the escaped cervid remained out of the facility;
  - (ii) proximity of the escaped cervid to wild populations;
  - (iii) known susceptibility of the escaped cervid species to CWD;
  - (iv) nature of the terrain in to which the cervid escaped.
- (G) Chronic Wasting Disease (CWD)



- (i) Detection. Each licensee shall notify the Commission within 24 hours if any cervid within the facility exhibits clinical symptoms of CWD or if a quarantine is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.
- (ii) Cervid death. The carcass of any captive Category 1 cervid as defined in 15A NCAC 10B .0101 that was 12 ~~six~~ months or older at time of death shall be transported and submitted by the licensee or his designee to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of the cervid's death, or by the end of the next business day, whichever is later. Ear tags distributed by the Commission and subsequently affixed to the cervids as required by this Rule, may not be removed from the cervid's head prior to submitting the head for CWD evaluation.
- (iii) The Commission shall require testing or forfeiture of cervids from a facility holding cervids in this state should the following circumstances or conditions occur:
- (I) (I) The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.
- (II) The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.
- (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee shall implement the tagging requirement using only the tags provided by the Commission as follows:
- (i) All cervids born within a facility shall be tagged by March 1 following the birthing season each year. Fawns and calves must be tagged with a button ear tag before sale or transfer to another captive cervid facility within North Carolina. The receiver is required to affix the bangle ear tag before March 1 following the birth of the calf or fawn.
- (ii) All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
- (I) Application for Tags.
- (i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the birthing season of each year. The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:
- (I) Applicant name, mailing address, and telephone number;
- (II) Facility name and site address;
- (III) Captivity license number;
- (IV) Species of each cervid; and
- (V) Birth year of each cervid.
- (ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.

- (J) Placement of Tags.
- (i) A single button ear tag provided by the Commission shall be permanently affixed by the licensee onto either the right or left ear of each cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
  - (ii) A single bangle ear tag provided by the Commission shall be permanently affixed by the licensee onto the right or left ear of each cervid except Muntjac deer, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag. Muntjac deer are not required to be tagged with the bangle tag.
  - (iii) Once a tag is affixed in the manner required by this Rule, it shall not be removed.
- (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:
- (i) Licensee name, mailing address, and telephone number;
  - (ii) Facility name and site address, including the County in which the site is located;
  - (iii) Captivity license number;
  - (iv) Species and sex of each cervid;
  - (v) Tag number(s) for each cervid; and
  - (vi) Birth year of each cervid.
- (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and shall extend the time within which a licensee shall tag cervids consistent with time required to issue a replacement.
- (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee and application shall be made for a replacement upon discovery of the loss. Application for a replacement shall include the information required by Part (c)(5)(I) of this Rule along with a statement and applicant's signature verifying that the information is accurate. Lost tags shall be replaced on the animal by the licensee within 30 days of receipt of the replacement tag.
  - (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or that cannot be read because of malformation or damage to the tags or obscurement of the tag numbers shall be returned to the Commission along with an application for a replacement tag with a statement and applicant's signature verifying that the information in the application is accurate.
- (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal has live cervids and continues to meet the requirements of this Section for the license. ~~Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.~~ All expanded pens shall adhere to fencing specifications set forth in 15A NCAC 10H .0302. No renewals shall be issued for a license that has been allowed to lapse due to the negligence of the former licensee.
- (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint,

- 1 investigation or other cause shall be continued notwithstanding the termination of the original  
2 license.
- 3 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or  
4 the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.
- 5 (e) Sale, Transfer or Release of Captive Wildlife.
- 6 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held  
7 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or  
8 bird may be surrendered to an agent of the Commission.
- 9 (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to  
10 sell or transfer the animal or bird held under such license, except that such animal or bird may be  
11 surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal  
12 or bird (except members of the family Cervidae) to another person who has obtained a license to  
13 hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only  
14 intrastate from between Certified Herds, as defined in 15A NCAC 10H .0304. Any captive cervid  
15 may be sold to a buyer outside of North Carolina. Upon such a sale or transfer, the seller or  
16 transferor shall obtain a receipt for the animal or bird showing the name, address, and license  
17 number of the buyer or transferee, a copy of which shall be provided to the Commission.
- 18 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:  
19 (A) any species of deer, elk or other members of the family Cervidae, or  
20 (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or  
21 (C) any member of the family Suidae.
- 22 (f) Transportation Permit.
- 23 (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully  
24 held wild animal or wild bird within the State.
- 25 (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a  
26 transportation permit from the Commission.
- 27 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued  
28 for deer, elk, or other species in the family Cervidae except into and between Certified Herds as  
29 defined in 15A NCAC 10H .0304.
- 30 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae  
31 may be issued by the Commission to an applicant for the purpose of transporting the animal or  
32 animals for export out of state, to a slaughterhouse for slaughter, from a N.C. Certified Herd to  
33 another captive cervid facility, Certified Herd as defined in 15A NCAC 10H .0304, or to a  
34 veterinary medical facility for treatment provided that the animal for which the permit is issued  
35 does not exhibit clinical symptoms of Chronic Wasting Disease. No person shall transport a cervid  
36 to slaughter or export out of state without bearing a copy of the transportation permit issued by the  
37 Commission authorizing that transportation. No person shall transport a cervid for veterinary  
38 treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of  
39 this Rule. Any person transporting a cervid shall present the transportation permit to any law  
40 enforcement officer or any representative of the Commission upon request, except that a person  
41 transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the  
42 person who issued the approval to any law enforcement officer or any representative of the  
43 Commission upon request.
- 44 (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be  
45 submitted in writing to the Commission and shall include the following information along  
46 with a statement and applicant's signature verifying that the information is accurate:
- 47 (i) Applicant name, mailing address, and telephone number;  
48 (ii) Facility site address;  
49 (iii) Captivity license number;  
50 (iv) Name, address, county and phone number of the slaughter house to which the  
51 cervid will be transported;  
52 (v) Vehicle or trailer license plate number and state of issuance of the vehicle or  
53 trailer used to transport the cervid;  
54 (vi) Name and location of the North Carolina Department of Agriculture Diagnostic  
55 lab where the head of the cervid is to be submitted for CWD testing;  
56 (vii) Date of transportation;

- (viii) Species and sex of each cervid; and  
(ix) Tag number(s) for each cervid.
- (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of a member of the family Cervidae for sale out of state. Application for a transportation permit for purpose of exportation out of state shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, state and phone number of the destination facility to which the cervid is exported;
  - (vi) A copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;
  - (vii) Date of departure;
  - (viii) Species and sex of each cervid; and
  - (ix) Tag number(s) for each cervid.
- (C) Between herds. Application for a transportation permit for purpose of moving a cervid from ~~one a Certified Herd to another captive cervid facility~~ Certified Herd, as defined in 15A NCAC 10H-0304, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
  - (vi) Date of departure;
  - (vii) Species and sex of each cervid; and
  - (viii) Tag number(s) for each cervid.
- (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility name and site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;

- 1 (v) Date of transportation;  
2 (vi) Species and sex of each cervid;  
3 (vii) Tag number(s) for each cervid;  
4 (viii) Name, address and phone number of the veterinarian and clinic that treated the  
5 cervid;  
6 (ix) Symptoms for which cervid received treatment; and  
7 (x) Diagnosis of veterinarian who treated the cervid.

8 (g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be  
9 submitted in writing to the Commission and shall include the following information along with a statement and  
10 applicant's signature verifying that the information is accurate:

- 11 (1) Applicant name, mailing address, and telephone number;  
12 (2) Facility site address;  
13 (3) Captivity license number;  
14 (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the  
15 head of the cervid is to be submitted for CWD testing;  
16 (5) Date of slaughter;  
17 (6) Species and sex of each cervid; and  
18 (7) Tag number(s) for each cervid.

19 Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of  
20 captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

21  
22 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*  
23 *Eff. February 1, 1976;*  
24 *Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*  
25 *Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the*  
26 *permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,*  
27 *2001;*  
28 *Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*  
29 *Amended Eff. January 1, 2013*  
30

1 **15A NCAC 10H .0302 MINIMUM STANDARDS**

2 (a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher  
3 education that were granted an exemption by the Commission from the standards of this Rule prior to December 1,  
4 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as  
5 the captivity license in effect on that date has not expired or been revoked.

6 (b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the  
7 Commission, all holders of captivity licenses shall comply with the following requirements:

8 (1) Deer, Elk and other species of the family Cervidae

9 (A) Enclosure specifications. The enclosure shall be on a well-drained site containing natural  
10 or manmade shelter for shade. The minimum size of the enclosure for all cervids except  
11 Muntjac deer shall be not less than one-half acre for the first three animals and an  
12 additional one-fourth acre for each additional animal held provided that no more than 25  
13 percent shall be covered with water. For facilities licensed after January 1, 2013 and any  
14 facilities that expand their enclosures, minimum enclosure size shall be based upon the  
15 placement of an interior electric fence or the eight foot high fence, whichever fence  
16 creates the smaller enclosure size. At no time shall the number of cervids in the  
17 enclosure exceed the number allowed by the captivity license, except that fawns and  
18 calves shall not count towards the total number of cervids in a facility from the time they  
19 are born until March 1 of the following year. ~~The enclosure shall be surrounded by a~~  
20 ~~fence of sufficient strength and design to contain the animal under any circumstances, at~~  
21 ~~least eight feet high, and dog-proof to a height of at least six feet.~~ For enclosures  
22 exclusively holding Muntjac deer, the minimum pen size shall be 800 square feet for the  
23 first three animals and 200 square feet for each additional animal. No exposed barbed  
24 wire, nails, or other protrusions that may cause injury to the animal shall be permitted  
25 within the enclosure. Captive cervids shall not be contained within or allowed to enter a  
26 place of residence.

27 (B) Fencing. All enclosures shall be surrounded by a fence of sufficient strength and design  
28 to contain the animal under any circumstances, at least eight feet high, and dog-proof to a  
29 height of at least six feet. Facilities first licensed after January 1, 2013 and facilities  
30 licensed after that date which expand their enclosures or add a new enclosure shall have  
31 one fence meeting these standards surrounding the entire perimeter of each enclosure and  
32 an interior double-stand electric fence placed at least three feet from the entire perimeter  
33 of the eight-foot high fence. The bottom strand shall be two and one-half feet from the  
34 ground and the top strand shall be five feet from the ground. The electric fence shall have  
35 current running through it whenever a captive cervid is within the enclosure, except  
36 during maintenance of the electric fence. Enclosures and enclosure expansions shall not  
37 contain wild deer or elk. The licensee shall ensure his enclosure is devoid of wild deer or  
38 elk before stocking with cervids.

39 ~~(B)(C)~~ Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at  
40 all times. Food shall be placed in the enclosure as needed, but not less than three times  
41 weekly. An effective program for the control of insects, ectoparasites, disease, and odor  
42 shall be established and maintained. The animal(s) shall be protected against fright or  
43 harm from other animals.

44 (2) Wild Boars

45 (A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The  
46 minimum size of the enclosure shall be not less than one-half acre for the first three  
47 animals and an additional one-fourth acre for each additional animal held. The enclosure  
48 shall be surrounded by a fence at least five feet high and of sufficient strength to contain  
49 the animals. No exposed barbed wire or protruding nails shall be permitted within the  
50 enclosure. A roofed building large enough to provide shelter in both a standing or a lying  
51 position for each boar must be provided. This building shall be closed on three sides. A  
52 pool of water for wallowing or a sprinkler system shall be provided on days when heat  
53 could cause stress to the animal(s).

54 (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times.  
55 Food shall be placed in the enclosure as needed, but in any case, not less than three times

- 1 weekly. An effective program for the control of insects, ectoparasites, disease, and odor  
2 shall be established and maintained.
- 3 (3) Wild Birds
- 4 (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural  
5 postures. The enclosure shall be designed in such a way that the birds cannot injure  
6 themselves and are able to maintain a natural plumage. Protection from sun, weather,  
7 and predators shall also be provided.
- 8 (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp  
9 feed. Ample food and clean water shall be available at all times.
- 10 (4) Alligators
- 11 (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain  
12 the animals and that shall prevent contact between the observer and alligator. The  
13 enclosure shall contain a pool of water large enough for the animal to completely  
14 submerge itself. If more than one animal is kept, the pool must be large enough for all  
15 animals to be able to submerge themselves at the same time. A land area with both  
16 horizontal dimensions at least as long as the animal shall also be provided. In case of  
17 more than one animal, the land area shall have both horizontal dimensions at least as long  
18 as the longest animals to occupy the land area at the same time without overlap.
- 19 (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain  
20 good health provided. Protection shall be provided at all times from extremes in  
21 temperature that could cause stress to the animal.
- 22 (5) Black Bear
- 23 (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
- 24 (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12  
25 feet long by six feet high and located in the shade or where shaded during the  
26 afternoon hours of summer, is required. The cage shall have a concrete floor in  
27 which a drainable pool one and one-half feet deep and not less than four by five  
28 feet has been constructed. The bars of the cage shall be of iron or steel at least  
29 one-fourth inch in diameter, or heavy gauge steel chain link fencing may be  
30 used. The gate shall be equipped with a lock or safety catch, and guard rails  
31 shall be placed outside the cage so as to prevent contact between the observer  
32 and the caged animal. The cage must contain a den at least five feet long by five  
33 feet wide by four feet high and so constructed as to be easily cleaned. A  
34 "scratch log" shall be placed inside the cage. The cage shall be equipped with a  
35 removable food trough. Running water shall be provided for flushing the floor  
36 and changing the pool.
- 37 (ii) Sanitation and Care. Food adequate to maintain good health shall be provided  
38 daily; and clean, clear drinking water shall be available at all times. The floor of  
39 the cage and the food trough shall be flushed with water and the water in the  
40 pool changed daily. The den shall be flushed and cleaned at least once each  
41 week in hot weather. An effective program for the control of insects,  
42 ectoparasites, disease, and odor shall be established and maintained. Brush,  
43 canvas, or other material shall be placed over the cage to provide additional  
44 shade when necessary for the health of the animal. The use of collars, tethers or  
45 stakes to restrain the bear is prohibited, except as a temporary safety device.
- 46 (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than  
47 educational institutions or governmental zoos shall be held without caging under  
48 conditions simulating a natural habitat. All of the following conditions must exist to  
49 simulate a natural habitat in a holding facility:
- 50 (i) The method of confinement is by chain link fence, wall, moat, or a combination  
51 of such, without the use of chains or tethers.
- 52 (ii) The area of confinement is at least one acre in extent for one or two bears and an  
53 additional one-eighth acre for each additional bear.
- 54 (iii) Bears are free, under normal conditions, to move throughout such area.
- 55 (iv) At least one-half of the area of confinement is wooded with living trees, shrubs  
56 and other perennial vegetation capable of providing shelter from sun and wind.

- (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
- (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
- (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
- (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
- (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (6) Cougar
- (A) Educational or scientific research institutions and zoos supported by public funds.
- (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
- (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.
- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.
- (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
- (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
- (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
- (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not be compromised, smaller areas shall be permitted.



- (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
- (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
- (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.
- (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.
- (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).
- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (7) Other Wild Animal Enclosures.
- (A) General Enclosure Requirements.
- (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
- (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
- (iii) No tethers or chains shall be used to restrain the animal.
- (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
- (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
- (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Dimensions in Feet				
Animal	Length	Width	Height	Per Animal
Bobcat, Otter	10	5	5	50
Raccoon, Fox, Woodchuck	8	4	4	32
Opossum, Skunk, Rabbit	6	3	3	18
Squirrel	4	2	2	8

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump

length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.

(D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.

(E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

*History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980;  
Temporary Amendment Eff. October 8, 2002;  
Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004.  
Amended Eff. January 1, 2013*

# **EXHIBIT K-2**

**July 12, 2012**

## **PROPOSED CHANGES IN DIVISION OF WILDLIFE MANAGEMENT PROGRAM REGULATIONS FOR 2013-2014 NOT RECOMMENDED BY AGENCY STAFF FOR NOTICE AND COMMENT**

1. Implement a two-buck limit statewide.
2. Allow small game hunting on three-day-per-week game lands on the “off” days (Tuesdays, Thursdays and Fridays).
3. Prohibit the use of dogs to hunt deer and bear on the following portion of Bladen Lakes State Forest Game Land: west of NC Hwy 242, and the section that lies between NC Hwy 242, SR 1509, SR 1510 and SR 1511.
4. Revise the Wildlife Damage Control Agent Program.

# **EXHIBIT L**

**July 12, 2012**

Exhibit L is the fiscal note for captive cervid rules.

# EXHIBIT L

July 12, 2012

## Fiscal Note for

**Proposed 15A NCAC 10B.0101 Importation of Wild Animals and Birds, 15A NCAC 10H.0301 General Requirements, 15A NCAC 10H.0302 Minimum Standards, and 15A NCAC 10H.0304 Captive Cervid Certification Program**

**Contact:** Tommy Clark  
North Carolina Wildlife Resources Commission  
(919) 707-0081 or tommy.clark@ncwildlife.org

**Authority:** G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292; 150B-19(6).

**Impact:** State Government: Yes  
Local Government: No  
Substantial Impact: No  
Federal Government: No

## SUMMARY OF THE PROPOSED REGULATION

North Carolina Wildlife Resources Commission (WRC) is proposing to adopt amended rule text for the following rules;

- 15A NCAC 10B.0101 Importation of Wild Animals and Birds,
- 15A NCAC 10H.0301 General Requirements,
- 15A NCAC 10H.0302 Minimum Standards, and
- 15A NCAC 10H.0304 Captive Cervid Certification Program, (see proposed rule text in Appendix 1).

Through passage of N.C.G.S. § 113-272.6 the legislature established that cervids could be held in captivity provided certain rules as established by the NCWRC were followed. While the General

Assembly provided legal opportunity for previously unlicensed cervid owners to become legal, it left licensing of future captive cervid facilities to the NCWRC.

The changes to these rules cover basically four areas:

- 1) The WRC is amending rule text to allow for new captive cervid facilities to be constructed. This construction has been allowed in the past; however, a moratorium has been in place for a number of years. The current rule states that the captive cervid facility shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high. The new parameters for allowed construction will be done in accordance to new standards in Rule 15A NCAC 10H .0302, in which the new fencing standards will be enhanced to help prevent wild deer and captive deer from coming into direct contact with each other. This new standard will include the existing eight foot high fence standard and, in addition, a standard that includes three strands of electrified wire along either the inside or the outside perimeter to ensure no contact between wild deer and captive cervid.
- 2) The WRC is also amending rule text to allow for the expansion of existing cervid facilities. Under current rule, only licensees with certified herds may expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility. The proposed rule will allow any existing facility to expand, but it must adhere to the new fencing standards for new facilities. This new rule covers not only the expanded fencing area, but also directs the old fenced area to be retrofitted to meet the new standards.
- 3) The WRC is also amending rule text to allow importation of captive cervid as allowed in Rule 15A NCAC 10B .0101, yet only under strict guidelines. First, only those captive cervid licensees with certified herds will be allowed to import. Secondly, there will be absolutely no importation from any state or province in which Chronic Wasting Disease (CWD) has already been detected. Importation of species in which CWD has not been documented by the scientific community has also been relaxed.
- 4) The proposed rule changes also addresses testing of cervids for CWD, the issuance of captivity licenses and the ability to transport cervids within the state. The proposed amendment for the transportation permit rule is that under current rule a cervid could only be transported from one certified herd to another certified herd in North Carolina. The proposal is that the destination herd for a cervid does not have to be certified.

## **HISTORY OF CWD PREVENTION IN THE STATE**

The N.C. Wildlife Resources Commission (WRC) is responsible for the conservation, management and wise use of over 1,000 native species of fish, birds, mammals, reptiles, amphibians and invertebrates in the state of North Carolina. This amended rule text is being adopted at the request of the regulated community. There is a small core group of licensees (6-8 facilities) that keep/raise deer for profit. These licensees would like to see the industry expand in North Carolina by allowing new facilities. WRC wants to keep any new deer in new facilities from contacting wild deer in order to reduce the chance for cross contamination. The other licensees in this state are zoos, nature parks, hobbyists, etc.

Although the requirement for people who hold wild animals in captivity to obtain a WRC-issued license has existed for decades, this requirement had not been stringently enforced until Chronic Wasting Disease (CWD) became a national threat in 2002. CWD is a highly contagious disease that is always fatal. Therefore, the potential to have CWD in either a free-ranging or captive cervid herd is extremely concerning to wildlife biologists and others interested in sound management of deer. Since that time, North Carolina has been very proactive in efforts to protect wild and captive cervids from CWD. Early efforts consisted of implementation of temporary rules relative to movement and possession of cervids followed by a more deliberative approach to crafting rules and statutes to insure continued protection of public and private wildlife resources. In addition, legal captive cervid facilities were offered a buyout option using up to \$250,000 of the Wildlife Endowment Fund. This buyout opportunity allowed facility owners the ability to get out of the captive cervid business at a time when marketability was dropping rapidly due to CWD concerns and allowed the agency to test large numbers of potentially high-risk animals for CWD (e.g., there were cervids in pens in North Carolina that originated from Wisconsin captive pens, which were afflicted by CWD in 2002). WRC passed regulations to better track captive cervids through mandatory tagging, reporting and facility inspections. WRC required dead deer to be tested for CWD in order to detect an outbreak and we required 8 foot high fencing to keep captive deer securely within their facilities. Due to the inability to “prove” the source from which wild deer have become infected, the definitive link between captive facilities and wild deer infections has not been documented. However, rather than spreading slowly through the resident population as observed in states that have monitored the disease, CWD appears to have spread by jumping from state to state (see USGS 2011 map in Appendix 2) suggesting that the disease has been spread by human movement of animals or infectious materials.

For reasons which will be detailed below, WRC believes that the necessary State funds for the implementation of the proposed amendments to the attached rules would be available through WRC’s Wildlife Fund, that there would be no direct local governmental impact, and that the potential economic impact is not expected to exceed \$500,000 per year.

## **ECONOMIC ANALYSIS**

Scope of the Analysis – Since the herd certification requirement is five years, it has been determined that the appropriate time frame for a more complete analysis is five (5) years.

Baseline – Baseline costs and benefits will be those costs and benefits that are in place now and would continue with no changes to existing rules. This will include no construction of captive cervid facilities, no expansion of existing facilities, and no importation of captive cervids.

### Persons Affected

- State Government entities – The two state government entities that will be affected will be the WRC and the Department of Agriculture. WRC will be affected in state expenditures and state revenues realized. The agency will realize expenditures in the form of personnel costs and operating costs; and it will realize revenues in the form of new and renewed captivity permits sold and new transportation permits sold. The Department of Agriculture will only be affected by actual payroll expenditures related to cervid facility inspections. The Department of Agriculture

currently maintains a cervid database for approval of transport permits and trace backs, therefore the only cost differential in the rule change would be any costs for enhancement of the systems. Since the forecast for the change in number of permits is not significant, enhancement of capacity is deemed to be unnecessary and therefore no cost is associated with it.

- **Private Sector entities** – The private sector will be affected with these rule changes. Both individuals and the captive cervid business industry will realize costs and revenues. The private sector will incur initial costs in the form of new captivity licenses and transportation permits purchased. A major portion of the costs that will be realized, however, will be the construction costs associated with new facilities built or existing facilities expanded. Also, costs associated with the importation and transportation of cervids will be realized by the private sector. Private entities would also enjoy benefits from being able to build new and expand existing facilities and from being able to import cervids.

**Benefit and Cost Estimates** – For purposes of this exhibit, a summary of the cost and benefit estimates is presented in a tabular fashion below, with the costs and benefits associated with each rule change explained in text below. WRC believes that this set of rule changes will result in an aggregate economic impact of less than five hundred thousand dollars (\$500,000) in the time period in review yet has a significant policy impact. Therefore this fiscal note is considered a Tier II Non Substantial Economic Impact note.

**TABLE 1: Estimated Costs**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	5-Year NPV
<b>State Government</b>						
Administration, Surveys & Inspections	\$1,000	\$1,230	\$1,460	\$1,730	\$2,040	\$5,975
<b>Private Sector</b>						
License & Permits	\$ 1,100	\$1,150	\$ 1,200	\$ 1,250	\$ 1,300	
Facility Construction	\$ 8,800	\$ 9,000	\$9,200	\$ 9,300	\$ 9,500	
Facility Expansion	\$ 2,900	\$ 3,000	\$3,000	\$ 3,100	\$ 3,100	
Cervid Costs	\$ 25,800	\$ 26,300	\$ 26,800	\$ 27,400	\$ 27,900	
Additional Operation Costs	unquantified	unquantified	unquantified	unquantified	unquantified	
<b>Subtotal for Private Sector</b>	<b>\$38,600</b>	<b>\$39,450</b>	<b>\$40,200</b>	<b>\$41,050</b>	<b>\$41,800</b>	<b>\$164,467</b>
<b>TOTAL</b>	<b>\$39,600</b>	<b>\$40,680</b>	<b>\$41,660</b>	<b>\$42,780</b>	<b>\$43,840</b>	<b>\$170,442</b>



**TABLE 2: Estimated Benefits**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	5-Year NPV
<b>State Government</b>						
Licenses & Permits	\$ 1,100	\$ 1,150	\$ 1,200	\$ 1,250	\$1,300	<b>\$4,893</b>
<b>Private Sector</b>						
Additional Revenue/ Value	unquantified	unquantified	unquantified	unquantified	unquantified	
CWD Testing	\$600	\$610	\$620	\$640	\$650	<b>\$2,551</b>
<b>TOTAL</b>	<b>\$1,700</b>	<b>\$1,760</b>	<b>\$1,820</b>	<b>\$1,890</b>	<b>\$1,950</b>	<b>\$7,444</b>

- 15 NCAC 10B .0101: Importation of Wild Animals and Birds - The WRC is amending rule text to relax importation of captive cervid yet only under strict guidelines. First, only those captive cervid licensees with certified herds will be allowed to import. Secondly, there will be absolutely no importation from any state or province in which Chronic Wasting Disease (CWD) has already been detected. Importation of species in which CWD has not been documented by the scientific community has also been modified. Currently, there are 42 captive cervid facilities in North Carolina. Based on verbal conversation with the agency Wildlife Management Division staff and their contact with existing captive cervid facility owners, it is estimated that approximately 50% of the owners currently want the ability to import new cervids. Upon implementation of this rule change, if a forecast of 50% of the facilities requesting importation of cervids within a one year time period occurs, and that demand stays constant throughout the years, then these costs and benefits are forecasted as follows:
  - **Transportation Permits** – A transportation permit in accordance with NCGS 113-272.6 costs the applicant \$50.00. This transportation permit allows a one-time importation of any number of cervids from one particular source. With a forecasted 50% request rate for importation of cervids this translates to \$1,050 in costs per year for the applicants ( $42 \times 50\% \times \$50.00$ ). This cost is carried to Table 3. This is also construed to be a benefit for the agency of \$1,050 in permitting revenue, and this amount is carried to Table 3. Since this analysis is being performed for a 5 year period and there is no plan for a price increase or decrease of a transportation permit, this cost and benefit will be carried forward with no inflationary factor.
  - **Cervid Costs** – Cervid costs for the private entities can be estimated in a number of different ways. After discussing this with the Wildlife Management division staff and receiving information regarding various prices of deer from several states ranging in age from a fawn to 4 years old and for either a male or female, it was decided to take the average cost of a male deer and the average cost of a female deer. The average cost of a male deer is \$1,800. The average price of a female deer is \$600. Estimating from above that there would be 21 transportation permits per year, and the average importation size per permit is one animal, the total cost is estimated at \$25,800 per year, assuming 11 male and 10 female deer per year are purchased by the private entities. Since this analysis is being performed for a 5 year period, there will be factored into the costs a 2% annual inflationary factor based on estimated inflationary adjustments. These costs are carried to Table 3. Due to lack of data, the costs of actually transporting the cervids is not included in the estimate below, but it is expected that the benefit private entities would incur from being able to procure more cervids would offset the cost. The net benefit (revenue less operating costs) private entities would incur from being able to obtain more cervids is discussed separately at the end of the Benefits and Costs section.

- Administrative Costs – The administrative costs to the agency for issuing a transportation permit requires staff time to research the origination facility and the destination facility to ensure compliance with herd certification. Upon interviewing staff from the Wildlife Management Division of WRC, the average time to complete the research required for the proper authorization of a transportation permit is 2 hours. With the above forecasted 21 extra transportation permits that would be realized with these rule changes calculates to about \$800, or 21 permits × 2 hours × \$40,000/2080 (the average hourly salary plus fringes of staff used to investigate transportation permit requests). The administrative costs to the applicant are minimal and not reflected in the table above. Since this analysis is being performed for a 5 year period, there will be factored into the costs a 2% annual inflationary factor based on estimated cost of living adjustments. This will be made to the cost as a whole and will not consider any potential changes to fringe benefits. These costs are carried to Table 3.

**TABLE 3: 15A NCAC 10B .0101 Estimated Costs & Benefits\***

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
<b>COSTS</b>					
<i><b>State Government</b></i>					
Administration, Surveys & Inspections	\$ 800	\$ 820	\$ 830	\$ 850	\$ 870
<i><b>Private Sector</b></i>					
License & Permits	\$ 1,050	\$ 1,050	\$ 1,050	\$ 1,050	\$1,050
Cervid Costs	\$ 25,800	\$ 26,300	\$26,800	\$27,400	\$27,900
<i><b>Subtotal of Costs to Private Sector</b></i>	<b>\$26,850</b>	<b>\$27,350</b>	<b>\$27,850</b>	<b>\$28,450</b>	<b>\$28,950</b>
<b>BENEFITS</b>					
<i><b>State Government</b></i>					
License & Permits	\$ 1,050	\$ 1,050	\$ 1,050	\$ 1,050	\$ 1,050

\*Amounts are rounded to the nearest \$100 where applicable. The costs are transferred to Table 1 and the benefits are transferred to Table 2.

- 15 NCAC 10H .0301: General Requirements – Currently, there are no new captivity licenses being awarded to those applicants wanting to hold cervids under NCGS 113-272.5. The WRC is amending rule text to allow captivity licenses to be awarded yet under strict guidelines. First, no captivity license for cervids will be issued to someone who already holds a captivity license for cervids, and second, no captivity license will be issued to applicants who had a captivity license for cervids revoked within the previous five years. The captive cervid program has been losing licensed cervid facilities over the past several years. With these rules changes, WRC forecasts that this trend will reverse itself and that there would be on the average one new licensed facility application every year over the next several years, essentially maintaining the current number of facilities. This forecast is based on information that some existing cervid facility owners wish to either build a new facility or enlarge their existing facility, according to the agency Wildlife Management Division staff and based on contact with facility owners. These costs are forecasted as follows:

- Captivity Licenses – A captivity license costs the license holder \$50.00 per year. With these amended rule changes, the forecast of the number of licensed facilities to increase by one per year for the next several years would mean one new applicant per year. Given that licenses need to be renewed every year, this means the regulated community would incur a cost of \$50.00 in licensing fees in year 1, \$100.00 in year 2, and so on. This is also construed to be a benefit for the agency, as shown in Table 4. Since this analysis is being performed for a 5 year period and there is no plan for a price increase or decrease of a transportation permit, this cost and benefit will be carried forward with no inflationary factor.
- Survey and Inspection - A captive cervid facility under current rule must be inspected twice per year, once in the spring and once in the fall. There is no charge for these services to the cervid facility owner; however, they might experience some small time costs. The cost to the agency to inspect these facilities is in payroll related expenditures. One inspection during the year is done with one Wildlife Management Division employee. The second inspection is performed with three employees, one Wildlife Management Division employee, one Wildlife Enforcement Officer, and one employee from the Department of Agriculture. With one new facility forecasted to be created every year, this would mean two additional inspections every year. After interviewing staff in the Wildlife Management Division and the Enforcement Division, an average inspection takes six hours. This equates to twenty four man hours to annually inspect a captive cervid facility. With the above forecasted one extra cervid facility created every year with these rule changes, this calculates to about \$200 in the first year, or 1 facility × 2 inspections × 6 hours × \$40,000/2080 (the average salary plus fringes of staff used to inspect cervid facilities). The costs to the state would continue to increase as there would be one extra facility every year. Since this analysis is being performed for a 5 year period, there will be factored into the costs a 2% annual inflationary factor based on estimated cost of living adjustments. This will be made to the cost as a whole and will not consider separate changes to fringe benefits. These costs are carried to Table 4.

The net benefit private entities would incur from being able to build more facilities is discussed separately at the end of the Benefits and Costs section.

- Also within the General Requirements rule text proposed amendments is the change in age in which a captive cervid animal must be transported to the Department of Agriculture upon death for CWD testing. The proposed language changes the age from 6 months to 12 months. It is estimated by the WRC wildlife management division that fewer than 10 animals per year within this age category die annually. The Department of Agriculture currently charges a minimum of \$40 per animal to cover the cost of CWD testing (which includes \$25 fee for the University of Georgia to perform the test, \$5 to extract the sample, \$10 to ship the sample to Georgia plus additional disposal fees). The disposal fee for this type of sample is anywhere from \$10 to \$50 with the \$50 fee being for a full adult body carcass. Since these samples are normally head only carcasses, the approximate average disposal fee will be estimated to be \$20. This means approximately a \$600 net benefit per year for the captive cervid facility owners if a conservative estimate of 10 animals per year are now not tested. While this would also lead to a decrease in the revenues for the Department of Agriculture, it is assumed this loss would be offset by the savings the Department would experience from having to incur the costs related to testing 10 less animals per year. These net benefits are carried to Table 4.

**TABLE 4: 15A NCAC 10H .0301 Estimated Costs & Benefits**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
<b>COSTS</b>					
<i>State Government</i>					
Administration, Surveys & Inspections	\$200	\$410	\$630	\$880	\$1,170
<i>Private Sector</i>					
License & Permits	\$ 50	\$ 100	\$ 150	\$ 200	\$250
<b>BENEFITS</b>					
<i>State Government</i>					
License & Permits	\$ 50	\$ 100	\$ 150	\$ 200	\$ 250
<i>Private Sector</i>					
CWD Testing	\$600	\$610	\$620	\$640	\$650

\*Amounts are rounded to the nearest \$100 where applicable. The costs are transferred to Table 1 and the benefits are transferred to Table 2.

Amendments to the rule also propose changes to the tagging of calves and fawns. This change is not assumed to have an impact since it would only move up the time when the animals need to be tagged.

An additional change is the relaxation in the transportation requirements to allow cervids from a North Carolina certified herd to be sold to any herd inside of North Carolina, not just herds that would meet the NC Certified Herd definition. The change in paragraph (e) is designed to keep the two paragraphs (e) and (f) consistent, since paragraph (e) now distinguishes the source herd to be certified yet not the destination herd. The agency has been unable, however, to obtain any concrete evidence from current facility owner of any possible increase in sales as a result of this rule change. This subject, in the context of benefits the private sector could enjoy from these rule changes, is briefly discussed in the Private Sector Net Benefits section below.

- **15 NCAC 10H .0302: Minimum Standards** – Current requirements indicate that each facility must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet. The proposed rule change will indicate that no changes be made to facilities that were licensed prior to January 1, 2013 unless those existing facilities are to be expanded. For those owners that plan to expand existing facilities, the new building standards would be in effect and the entire facility would have to be retro-fitted to meet new standards. For new facilities that will be licensed after January 1, 2013 the requirements will be and outer fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet. In addition, new or expanding facilities will be required to have an interior or exterior triple-strand electric fence placed at least two feet from the outer eight-foot high fence, with the bottom electric strand ½ feet above the ground, the second 3 ½ feet above the ground,

and the third strand five feet above ground. Also, those facilities licensed after January 1, 2013 may not contain any wild cervids prior to stocking with captive cervids.

- Existing facility expansion – Under current rule 15A NCAC 10H.0301(c)(6) only licensees with certified herds in accordance with 15A NCAC 10H.0304 may request in their renewal application to expand pen size. If no expansion is requested in the renewal application, then no costs will be realized by the facility licensee. However, with each renewal application that is renewed after January 1, 2013 and is requesting pen expansion, then those entire facilities will have to meet the same construction standards set forth in rule 15 NCAC 10H .0302(b)(1)(B). Assuming one existing facility would be expanded per year, the costs to expand an existing facility is presented below in Table 5. This table represents the costs to retrofit one average size pen of 12.4 acres of regular shape with double strand interior electric fence plus expand the current pen by 25% to reach a total size of 15.5 acres. The average size of 12.4 acres was derived from the size of the existing 42 facilities in North Carolina. Given the lack of available information, the agency is estimating the expansion size using an assumption of 25% increase in pen size based on agency staff best professional judgment. The costs presented below were taken from a local reputable construction material supply retail outlet. An expansion would roughly cost a licensee \$2,900 in fencing costs. Since this analysis is being performed for a 5 year period, there will be factored into the costs a 2% annual inflationary factor based on estimated consumer price index adjustments – see Table 7.

**TABLE 5: Existing Cervid Facility Expansion Costs**

Item	Amount	Cost per unit	Total Cost
Wood Posts (10' x 5-6" diameter)	2	\$30.28	\$60.56
Wood Posts (10' x 4-5" diameter)	3	\$22.40	\$67.20
Steel T -Posts (12' apart)	61	\$7.93	\$486.07
Staples and Clips (included w/ posts)			\$0.00
Woven Wire (8')	736	\$1.90	\$1,397.52
Entry Gate (14.5' x 48" panel gate)	1	\$97.95	\$97.95
Wire (12 gauge)	11,033.06	\$0.04	\$441.32
Insulators (1 every 10')	367.77	\$0.34	\$125.04
Energizer (110 volt w/.5 joule output)	1	\$94.49	\$94.49
Cut-out Switch	1	\$8.50	\$8.50
Ground Rods	5	\$13.49	\$67.45
Strainer	5	\$3.49	\$17.45
Springs	5	\$5.99	\$29.95
<b>Total</b>			<b>\$2,893.50*</b>

\* Numbers may not add up due to rounding.

- New facility construction – Under current rule 15A NCAC 10H.0301(c)(3) no captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the cervid in this case in captivity that complies with the standards set forth in rule 15 NCAC 10H .0302(b)(1)(B). This rule change sets out the new construction standards for the new facilities

licensed after January 1, 2013. Under this new rule, and remaining constant with the forecast that there would be one new captivity license application every year, therefore one new facility constructed per year, the costs to construct a new facility is presented below in Table 6. This table represents the costs to construct one average size pen of 12.4 acres of regular shape. This size was derived from taking the existing 42 facilities in North Carolina and averaging their size. The costs were taken from a local reputable construction material supply retail outlet. Based on this information, the cost for constructing an average-size new facility would be about \$8,800. Since this analysis is being performed for a 5 year period, there will be factored into the costs a 2% annual inflationary factor based on estimated consumer price index adjustments – see Table 7.

**TABLE 6: New Cervid Facility Construction Costs**

Item	Amount	Cost per unit	Total Cost
Wood Posts (10' x 5-6" diameter)	6	\$30.28	\$181.68
Wood Posts (10' x 4-5" diameter)	10	\$22.40	\$224.00
Steel T -Posts (12' apart)	245	\$7.93	\$1,944.27
Staples and Clips (included w/ posts)			\$0.00
Woven Wire (8')	2942	\$1.90	\$5,590.08
Entry Gate (14.5' x 48" panel gate)	2	\$97.95	\$195.90
Wire (12 gauge)	8826.45	\$0.04	\$353.06
Insulators (1 every 10')	294.21	\$0.34	\$100.03
Energizer (110 volt w/.5 joule output)	1	\$94.49	\$94.49
Cut-out Switch	1	\$8.50	\$8.50
Ground Rods	5	\$13.49	\$67.45
Strainer	5	\$3.49	\$17.45
Springs	5	\$5.99	\$29.95
<b>Total</b>			<b>\$8,806.87*</b>

\* Numbers may not add up due to rounding.

**TABLE 7: 15A NCAC 10H .0302 Estimated Costs & Benefits**

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
<b>COSTS</b>					
<i>Public</i>					
Facility Construction	\$ 8,800	\$ 9,000	\$ 9,200	\$ 9,300	\$9,500
Facility Expansion	\$ 2,900	\$ 3,000	\$ 3,000	\$3,100	\$ 3,100
<b>Subtotal of Costs to Public</b>	<b>\$11,700</b>	<b>\$12,000</b>	<b>\$12,200</b>	<b>\$12,400</b>	<b>\$12,600</b>

\*Amounts are rounded to the nearest \$100 where applicable. The costs are transferred to Table 1 and the benefits are transferred to Table 2.

- 15 NCAC 10H .0304: Captive Cervid Certification Program – The WRC is amending rule text to tie in language that would be more suitable with the other related cervid rules that are being amended. These changes are not considered to carry any additional costs that have not already been discussed in the changes to the other rules including 15 NCAC 10B .0101: Importation of Wild Animals and Birds.
- Private Sector Net Benefits – The WRC is amending rule text that will undoubtedly affect the captive cervid industry as a whole. The vast majority of the costs that these rule changes will generate are reflected in the tables included above; however, the capacity for the fledgling industry to generate a net income is uncertain. This uncertainty has led this fiscal note to not make any projections of benefits affected by these rule changes; however, a brief discussion of the industry will be included. This discussion has been generated by meeting with Wildlife Management staff, who are in regular contact with the cervid holders and have discussed some of the same issues with these owners. It should be noted that currently, of the 42 active captive cervid facilities, there is evidence that less than 20% operate as a for-profit business.

The captive cervid industry has three main outputs: products from the animal, the whole live animal for stocking purposes, and trophy bucks. A trophy buck is a male deer that has grown to reach a certain weight and have a certain size antler rack. The industry grows trophy bucks for two main purposes, one is for selling to other cervid facilities for stud purposes so that captive facility can grow large animals, and the second is for hunting that trophy buck inside a fenced facility. The price for a trophy buck can reach into the thousands of dollars; however, North Carolina has not seen that portion of the industry grow due to two circumstances. One, the climate and the genealogy of the state does not promote bucks to reach the size of trophy bucks being exported out of the states of Pennsylvania and Ohio. Secondly, this state does not allow hunting inside a fenced facility in accordance with Commission rules. For these two reasons, the trophy buck portion of the industry is not expected to grow considerably with the proposed rule changes.

The industry promotes the sale of the whole live animal, whether it be a buck or a doe. The reason for this activity is for stocking purposes of the existing cervid facilities, whether it be for adding an animal to a small facility or adding multiple animals to a facility for the purpose of reinvigorating the genetic pool of an existing herd within the facility.

The last output of the captive cervid industry is a distinct product of the animal that is sold on the open market. Products derived from the cervids include: antlers, both cut and dropped, velvet from the antlers, urine, semen, and meat products from the animals. None of these products to date can be sold on the open market in North Carolina due to regulations (15A NCAC 10B .0118) and North Carolina General Statutes (G.S. 113-291.3). Venison products currently sold in this state are imported due to general statutes, and thus most of the venison produced within a North Carolina cervid facility is for the private consumption of the facility owners. Although private consumption of venison provides a benefit to the facility owners, it is not expected that these rule changes create a significant welfare increase for the owners.

Based on this information, the agency does not expect that the unquantified benefits and costs facilities might incur as a result of the proposed changes would cause the aggregate impact to be over \$500,000, and therefore make this rule changes have a substantial economic impact. Nevertheless, given all the uncertainties and assumptions the agency needed to make throughout the analysis, this statement cannot be made with certainty.



## Appendix 1

### 15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS AND BIRDS

(a) The following definitions apply to this rule:

- (1) "Category 1 cervid" means any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer, elk, elk hybrid, moose or any other species of cervid in which the scientific community has documented Chronic Wasting Disease (CWD).
- (2) "Category 2 cervid" means any species of cervid in which the scientific community has not documented CWD.

(a) Before any live wild bird or wild animal is imported into North Carolina for any purpose, a permit shall be obtained from the Executive Director of the North Carolina Wildlife Resources Commission authorizing the importation, using application forms provided by the Commission. Only captive cervid licensees with Certified Herds as defined in 15A NCAC 10H .0304 may obtain permits to import cervids.

(b) ~~Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. There shall be no importation of any cervid from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

(c) Importation permits for cervids will only be issued for animals that come from U.S. or Mexican states or territories, Canadian provinces or other countries of origin which have a license type, certification program or monitoring program that requires captive cervid facility owners to, at a minimum,:

- (1) submit for CWD testing all deceased animals over the age of 12 months;
- (2) tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and
- (3) keep records of all acquisitions and all dispositions in the facility.

The requirements specified in Subparagraphs (1), (2) and (3) of this Paragraph apply only to facilities holding Category 1 cervids, both Category 1 cervids and Category 2 cervids and facilities that have held any Category 1 animal in the previous five years. Importation permit applications must indicate the source herd and if the source herd includes any Category 1 cervids then that herd must be successfully participating in a certification program or monitoring program with the requirements listed in this paragraph, or has a license type that does the same.

~~(e)(d)~~ Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife Resources Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.

~~(d)(e)~~ Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards within 30 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for inspection by authorized Commission personnel upon request.

*History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;  
Eff. February 1, 1976;  
Temporary Amendment Eff. October 8, 2002; May 17, 2002;  
Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.  
Amended Eff. January 1, 2013*

## 15A NCAC 10H .0301 GENERAL REQUIREMENTS

### (a) Captivity Permit or License Required

- (1) Requirement. The possession of any species of wild animal that is or once was native to this State or any species of wild bird, native or migratory, that naturally occurs or historically occurred in this State or any member of the family Cervidae is unlawful unless the institution or individual in possession obtains from the North Carolina Wildlife Resources Commission (Commission) a captivity permit or a captivity license as provided by this Rule.
- (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured, crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within 24 hours of taking possession in order to apply for a captivity permit, provided, however, that under no circumstances shall an individual take possession of an injured, crippled or orphaned wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (3) of this Paragraph.
- (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may receive a captivity permit to possess fawns only for such a period of time as may be required for the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild white-tailed deer fawns and are available only to individuals recognized by the Commission as white-tailed deer fawn rehabilitators.

(b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal or bird if the application for such license is denied, or when an existing captivity license is not renewed or is terminated. Captivity permits shall not be issued for wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (a)(3) of this Rule.

### (c) Captivity License.

- (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that are unfit for release. For purposes of this Rule, wild animals are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat or to other species in that habitat; or if they have been rendered tame by proximity to humans to the extent that they cannot feed or care for themselves without human assistance. Persons interested in obtaining a captivity license shall contact the Commission for an application.
- (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be issued include the following:
  - (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
  - (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this Rule, the term "pet" means an animal kept for amusement or companionship. The term shall not be construed to include cervids held in captivity for breeding for sale to another licensed operator.
  - (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
  - (D) For the purpose of holding wild turkey or black bear.
  - (E) ~~For the purpose of holding deer, elk or any other member of the family Cervidae, except current licenses which may be renewed as specified in Subparagraph (6) of this Paragraph. For the purpose of obtaining an additional captivity license for a person who already holds a captivity license.~~
  - (F) For the purpose of obtaining a new license if the applicant had a license which was revoked less than five years prior to the application for a new license.
- (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity that complies with the standards set forth in Rule .0302 of this Section and the adequacy of such facility has been verified on inspection by a representative of the Commission.
- (4) Term of License
  - (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.
  - (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.

- (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.
- (5) Holders of Captivity License for cervids.
  - (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.
  - (B) Inspection. The licensee shall make all enclosures at each licensed facility and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
  - (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected by the licensee or licensee's agent once a week during normal weather conditions to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection.
  - (D) A record-book shall be maintained to record the time and date of the inspection, the name of the person who performed the inspection, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If damage has caused the fence to be breachable, the licensee shall enter a description of measures taken to prevent ingress or egress by cervids. Each record-book entry shall bear the signature or initials of the licensee attesting to the veracity of the entry. The record-book shall be made available to inspection by a representative of the Commission upon request during normal business operating hours.
  - (E) Maintenance. Any opening or passage through the enclosure fence that results from damage shall, within one hour of detection, be sealed or otherwise secured to prevent a cervid from escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection. Any damage to the electric fence which makes it non-functional shall be repaired within one week.
  - (F) Escape. When a licensee discovers the escape of any cervid from the facility, the licensee or designee shall report within 24 hours the escape to the Commission. If possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take permit and take the escaped cervid pursuant to the terms of the permit. A recaptured live cervid shall be submitted to the Commission for CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study unless the executive director determines that the risk of CWD transmission as a result of this escape is negligible based upon:
    - (i) amount of time the escaped cervid remained out of the facility;
    - (ii) proximity of the escaped cervid to wild populations;
    - (iii) known susceptibility of the escaped cervid species to CWD;
    - (iv) nature of the terrain in to which the cervid escaped.
  - (G) Chronic Wasting Disease (CWD)
    - (i) Detection. Each licensee shall notify the Commission within 24 hours if any cervid within the facility exhibits clinical symptoms of CWD or if a quarantine is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.
    - (ii) Cervid death. The carcass of any captive Category 1 cervid as defined in 15A NCAC 10B .0101 that was 12 ~~six~~ months or older at time of death shall be transported and submitted by the licensee or his designee to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of the cervid's death, or by the end of the next business day, whichever is later. Ear tags distributed by the Commission and subsequently affixed to the cervids as required by this Rule, may not be removed from the cervid's head prior to submitting the head for CWD evaluation.
    - (iii) The Commission shall require testing or forfeiture of cervids from a facility holding cervids in this state should the following circumstances or conditions occur:

- (I) The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.
  - (II) The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.
- (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee shall implement the tagging requirement using only the tags provided by the Commission as follows:
  - (i) All cervids born within a facility shall be tagged by March 1 following the birthing season each year. Fawns and calves must be tagged with a button ear tag before sale or transfer to another captive cervid facility within North Carolina. The receiver is required to affix the bangle ear tag before March 1 following the birth of the calf or fawn.
  - (ii) All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
- (I) Application for Tags.
  - (i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the birthing season of each year. The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:
    - (I) Applicant name, mailing address, and telephone number;
    - (II) Facility name and site address;
    - (III) Captivity license number;
    - (IV) Species of each cervid; and
    - (V) Birth year of each cervid.
  - (ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
- (J) Placement of Tags.
  - (i) A single button ear tag provided by the Commission shall be permanently affixed by the licensee onto either the right or left ear of each cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
  - (ii) A single bangle ear tag provided by the Commission shall be permanently affixed by the licensee onto the right or left ear of each cervid except Muntjac deer, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag. Muntjac deer are not required to be tagged with the bangle tag.
  - (iii) Once a tag is affixed in the manner required by this Rule, it shall not be removed.
- (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:
  - (i) Licensee name, mailing address, and telephone number;
  - (ii) Facility name and site address, including the County in which the site is located;
  - (iii) Captivity license number;
  - (iv) Species and sex of each cervid;
  - (v) Tag number(s) for each cervid; and
  - (vi) Birth year of each cervid.

- (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and shall extend the time within which a licensee shall tag cervids consistent with time required to issue a replacement.
- (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee and application shall be made for a replacement upon discovery of the loss. Application for a replacement shall include the information required by Part (c)(5)(I) of this Rule along with a statement and applicant's signature verifying that the information is accurate. Lost tags shall be replaced on the animal by the licensee within 30 days of receipt of the replacement tag.
  - (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or that cannot be read because of malformation or damage to the tags or obscurement of the tag numbers shall be returned to the Commission along with an application for a replacement tag with a statement and applicant's signature verifying that the information in the application is accurate.
- (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal has live cervids and continues to meet the requirements of this Section for the license. ~~Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.~~ All expanded pens shall adhere to fencing specifications set forth in 15A NCAC 10H .0302. No renewals shall be issued for a license that has been allowed to lapse due to the negligence of the former licensee.
- (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint, investigation or other cause shall be continued notwithstanding the termination of the original license.
- (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.
- (e) Sale, Transfer or Release of Captive Wildlife.
- (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or bird may be surrendered to an agent of the Commission.
  - (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to sell or transfer the animal or bird held under such license, except that such animal or bird may be surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal or bird (except members of the family Cervidae) to another person who has obtained a license to hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only intrastate from between Certified Herds, as defined in 15A NCAC 10H .0304. Any captive cervid may be sold to a buyer outside of North Carolina. Upon such a sale or transfer, the seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and license number of the buyer or transferee, a copy of which shall be provided to the Commission.
  - (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:
    - (A) any species of deer, elk or other members of the family Cervidae, or
    - (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or
    - (C) any member of the family Suidae.
- (f) Transportation Permit.
- (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully held wild animal or wild bird within the State.
  - (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a transportation permit from the Commission.
  - (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued for deer, elk, or other species in the family Cervidae except into and between Certified Herds as defined in 15A NCAC 10H .0304.

- (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae may be issued by the Commission to an applicant for the purpose of transporting the animal or animals for export out of state, to a slaughterhouse for slaughter, from a N.C. Certified Herd to another captive cervid facility, ~~Certified Herd as defined in 15A NCAC 10H .0304~~, or to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of Chronic Wasting Disease. No person shall transport a cervid to slaughter or export out of state without bearing a copy of the transportation permit issued by the Commission authorizing that transportation. No person shall transport a cervid for veterinary treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of this Rule. Any person transporting a cervid shall present the transportation permit to any law enforcement officer or any representative of the Commission upon request, except that a person transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or any representative of the Commission upon request.
- (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant name, mailing address, and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Name, address, county and phone number of the slaughter house to which the cervid will be transported;
  - (v) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (vi) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
  - (vii) Date of transportation;
  - (viii) Species and sex of each cervid; and
  - (ix) Tag number(s) for each cervid.
- (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of a member of the family Cervidae for sale out of state. Application for a transportation permit for purpose of exportation out of state shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, state and phone number of the destination facility to which the cervid is exported;
  - (vi) A copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;
  - (vii) Date of departure;
  - (viii) Species and sex of each cervid; and
  - (ix) Tag number(s) for each cervid.
- (C) Between herds. Application for a transportation permit for purpose of moving a cervid from ~~one a~~ Certified Herd to another captive cervid facility ~~Certified Herd, as defined in 15A NCAC 10H .0304~~, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
  - (vi) Date of departure;
  - (vii) Species and sex of each cervid; and

- (viii) Tag number(s) for each cervid.
- (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility name and site address;
  - (iii) Captivity license number;
  - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Date of transportation;
  - (vi) Species and sex of each cervid;
  - (vii) Tag number(s) for each cervid;
  - (viii) Name, address and phone number of the veterinarian and clinic that treated the cervid;
  - (ix) Symptoms for which cervid received treatment; and
  - (x) Diagnosis of veterinarian who treated the cervid.

(g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

- (1) Applicant name, mailing address, and telephone number;
- (2) Facility site address;
- (3) Captivity license number;
- (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
- (5) Date of slaughter;
- (6) Species and sex of each cervid; and
- (7) Tag number(s) for each cervid.

Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*  
*Eff. February 1, 1976;*  
*Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*  
*Temporary Amendment Eff. October 8, 2002; May 17, 2002 (this temporary rule replaced the permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1, 2001;*  
*Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*  
*Amended Eff. January 1, 2013*

## 15A NCAC 10H .0302 MINIMUM STANDARDS

(a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher education that were granted an exemption by the Commission from the standards of this Rule prior to December 1, 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as the captivity license in effect on that date has not expired or been revoked.

(b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the Commission, all holders of captivity licenses shall comply with the following requirements:

- (1) Deer, Elk and other species of the family Cervidae
  - (A) Enclosure specifications. The enclosure shall be on a well-drained site containing natural or manmade shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held provided that no more than 25 percent shall be covered with water. For facilities licensed after January 1, 2013 and any facilities that expand their enclosures, minimum enclosure size shall be based upon the placement of an interior electric fence or the eight foot high fence, whichever fence creates the smaller enclosure size. At no time shall the number of cervids in the enclosure exceed the number allowed by the captivity license, except that fawns and calves shall not count towards the total number of cervids in a facility from the time they are born until March 1 of the following year. ~~The enclosure shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog proof to a height of at least six feet.~~ For enclosures exclusively holding Muntjac deer, the minimum pen size shall be 800 square feet for the first three animals and 200 square feet for each additional animal. No exposed barbed wire, nails, or other protrusions that may cause injury to the animal shall be permitted within the enclosure. Captive cervids shall not be contained within or allowed to enter a place of residence.
  - (B) Fencing. All enclosures shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet. Facilities first licensed after January 1, 2013 and facilities licensed after that date which expand their enclosures or add a new enclosure shall have one fence meeting these standards surrounding the entire perimeter of each enclosure and an interior or exterior triple-stand electric fence placed at least two feet from the entire perimeter of the eight-foot high fence. The lowest strand shall be two and one-half feet from the ground, the middle strand shall be three and one-half feet from the ground and the top strand shall be five feet from the ground. The electric fence shall have current running through it whenever a captive cervid is within the enclosure, except during maintenance of the electric fence. Enclosures and enclosure expansions shall not contain wild deer or elk. The licensee shall ensure his enclosure is devoid of wild deer or elk before stocking with cervids.
  - ~~(B)~~(C) Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at all times. Food shall be placed in the enclosure as needed, but not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. The animal(s) shall be protected against fright or harm from other animals.
- (2) Wild Boars
  - (A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The minimum size of the enclosure shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held. The enclosure shall be surrounded by a fence at least five feet high and of sufficient strength to contain the animals. No exposed barbed wire or protruding nails shall be permitted within the enclosure. A roofed building large enough to provide shelter in both a standing or a lying position for each boar must be provided. This building shall be closed on three sides. A pool of water for wallowing or a sprinkler system shall be provided on days when heat could cause stress to the animal(s).
  - (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times. Food shall be placed in the enclosure as needed, but in any case, not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (3) Wild Birds
  - (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural postures. The enclosure shall be designed in such a way that the birds cannot injure themselves and are able to maintain a natural plumage. Protection from sun, weather, and predators shall also be provided.



- (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp feed. Ample food and clean water shall be available at all times.
- (4) Alligators
  - (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain the animals and that shall prevent contact between the observer and alligator. The enclosure shall contain a pool of water large enough for the animal to completely submerge itself. If more than one animal is kept, the pool must be large enough for all animals to be able to submerge themselves at the same time. A land area with both horizontal dimensions at least as long as the animal shall also be provided. In case of more than one animal, the land area shall have both horizontal dimensions at least as long as the longest animals to occupy the land area at the same time without overlap.
  - (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain good health provided. Protection shall be provided at all times from extremes in temperature that could cause stress to the animal.
- (5) Black Bear
  - (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
    - (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12 feet long by six feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor in which a drainable pool one and one-half feet deep and not less than four by five feet has been constructed. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage must contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
    - (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed daily. The den shall be flushed and cleaned at least once each week in hot weather. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be placed over the cage to provide additional shade when necessary for the health of the animal. The use of collars, tethers or stakes to restrain the bear is prohibited, except as a temporary safety device.
  - (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than educational institutions or governmental zoos shall be held without caging under conditions simulating a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility:
    - (i) The method of confinement is by chain link fence, wall, moat, or a combination of such, without the use of chains or tethers.
    - (ii) The area of confinement is at least one acre in extent for one or two bears and an additional one-eighth acre for each additional bear.
    - (iii) Bears are free, under normal conditions, to move throughout such area.
    - (iv) At least one-half of the area of confinement is wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind.
    - (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
    - (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
    - (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
    - (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
    - (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (6) Cougar
  - (A) Educational or scientific research institutions and zoos supported by public funds.

- (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
  - (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.
- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.
  - (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
    - (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
    - (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
  - (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not be compromised, smaller areas shall be permitted.
  - (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
  - (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
  - (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.
  - (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.
  - (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).

- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (7) Other Wild Animal Enclosures.
- (A) General Enclosure Requirements.
- (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
  - (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
  - (iii) No tethers or chains shall be used to restrain the animal.
  - (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
  - (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
  - (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Dimensions in Feet				
Animal	Length	Width	Height	Per Animal
Bobcat, Otter	10	5	5	50
Raccoon, Fox, Woodchuck	8	4	4	32
Opossum, Skunk, Rabbit	6	3	3	18
Squirrel	4	2	2	8

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.
- (D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.
- (E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

*History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6; Eff. February 1, 1976; Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980; Temporary Amendment Eff. October 8, 2002; Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004. Amended Eff. January 1, 2013*

#### 15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM

(a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread of CWD while allowing for the importation of captive cervids, transportation of cervids from herds in which CWD has not been detected for at least five years, in accordance with the requirements in this Section. Only licensees with Certified Herds as defined in Paragraph (e) of this Rule may import captive cervids under the conditions and restrictions set forth in 15A NCAC 10B .0101, request to expand their pen size to accommodate additional cervids and transport cervids within North Carolina for purposes other than those specified in 15A NCAC 10H .0301(f)(4). Licensees with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section. ~~The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be no importation from individual U.S or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild or captive herd.~~

(b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for enrollment in the Captive Cervid Herd Certification Program. Licensees shall comply with all captivity license requirements outlined in this Section and the rules and laws regulating possession, transportation and importation of cervids in order to remain in the Captive Cervid Herd Certification Program.

(c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply to be enrolled in the Captive Cervid Herd Certification Program. All applications shall be in writing on a form supplied by the Commission. The Commission shall deny an application if:

- (1) the licensee has not complied with all the requirements under the captivity license statutes and all rules pertaining to the holding of cervids in captivity and the transportation or importation of cervids resulting in a failed inspection report for the licensee's most recent inspection; or a pending citation;
- (2) the licensee has provided false information; or
- (3) CWD has been confirmed in a cervid at the licensee's facility.

(d) Enrollment dates. The enrollment date is:

- (1) the first date upon official inspection, documented by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel, on which the licensee has complied with all captivity rules and statutes that pertain to cervids, including tagging, provided that the licensee has continued to comply with these regulations; or
- (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director under the conditions set forth in 15A NCAC 10A .1101(a) that brought the licensee into compliance assuming that there were no other compliance actions pending, provided that the licensee has continued to comply with the captive cervid regulations.

This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel documented that the licensee came into compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all cervids.

(e) Certified herd. ~~When a herd is enrolled an enrollment date is set for a herd~~ in the Captive Cervid Herd Certification Program, ~~the herd~~ shall be placed in First Year status. If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program, each year on the anniversary of the enrollment date the herd status shall be upgraded by one year. One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not lost or suspended without reinstatement as described in Paragraph (f).

(f) Herd status

- (1) A Certified Herd or any herd enrolled in the program shall have its status suspended or reduced if:
  - (A) the licensee fails to comply with any of the ongoing requirements for captive cervid licenses as identified in 15A NCAC 10H .0301;
  - (B) the licensee violates any other North Carolina law or rule related to captive cervids;
  - (C) an animal in the herd exhibits clinical signs of CWD;
  - (D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs of CWD;or
- (E) the herd is quarantined by the State Veterinarian.
- (2) A Certified Herd or any herd enrolled in the program shall lose its status if:
  - (A) an animal in the herd can be traced back to a herd in which CWD has been detected;

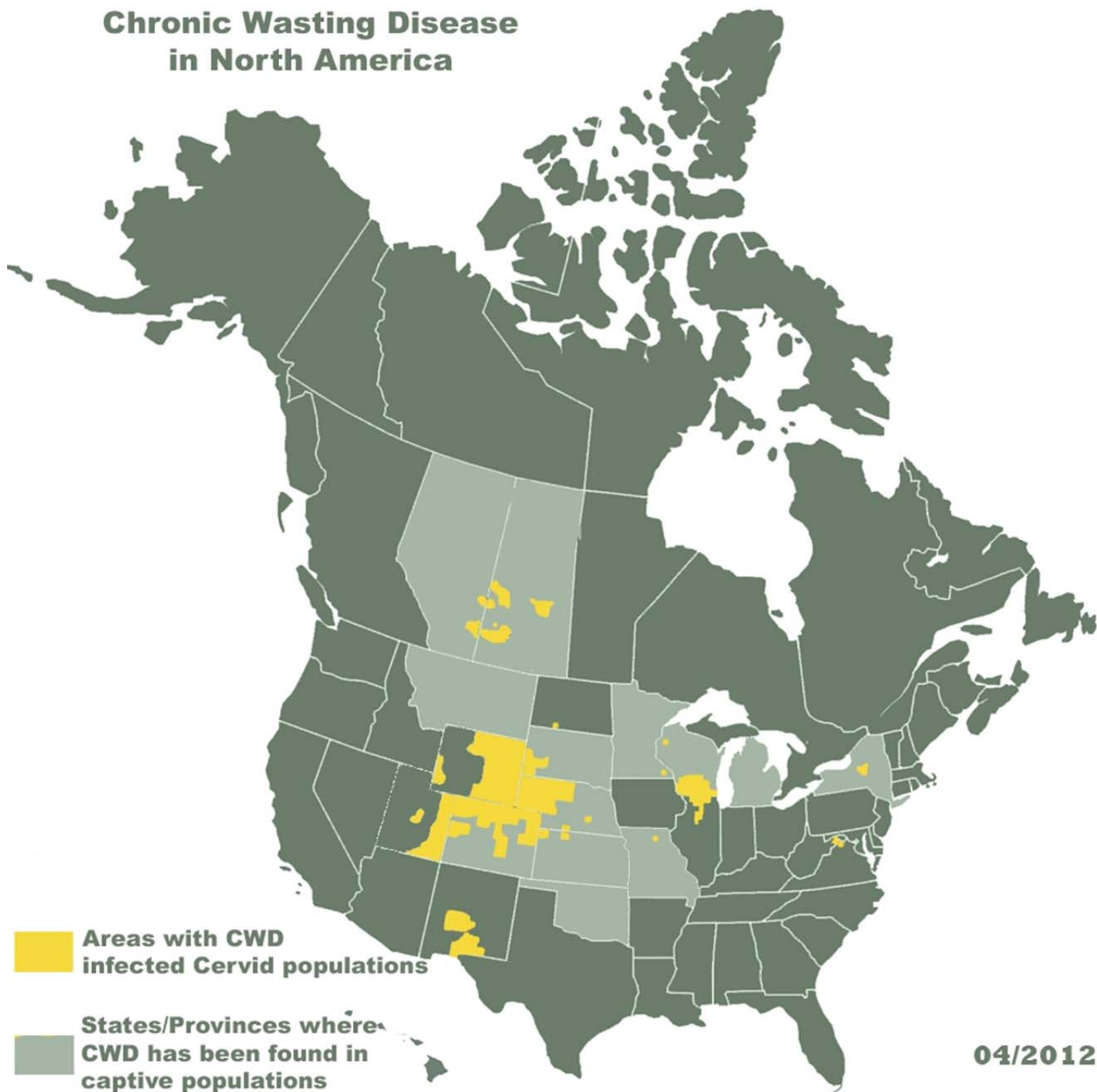
- (B) CWD is detected in an animal in the herd; or
- (C) the licensee loses his or her license.

The Wildlife Resources Commission shall review cases of suspended status upon request. A Certified Herd with suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.

(g) Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a suspended status, the licensee is responsible for assembling, handling and restraining the captive cervids and all costs incurred to present the animals for inspection.

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;*  
*Eff. May 1, 2010.*  
*Amended Eff. January 1, 2013*

## Chronic Wasting Disease in North America



# EXHIBIT M

July 12, 2012



ROY COOPER  
ATTORNEY GENERAL

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June 19, 2012

Fiscal Analysis Review of  
Proposed Wildlife Resources Commission (WRC) Proposed Wildlife Management and  
Inland Fisheries Rules Adoptions and Amendments

Wildlife Management

15A NCAC 10B.0106  
15A NCAC 10B.0114  
15A NCAC 10B.0119  
15A NCAC 10B.0127  
15A NCAC 10B.0203

15A NCAC 10B.0206  
15A NCAC 10B.0209  
15A NCAC 10D.0102  
15A NCAC 10D.0103  
15A NCAC 10I.0102  
15A NCAC 10J.0102

Inland Fisheries

15A NCAC 10C .0205  
15A NCAC 10C .0206  
15A NCAC 10C .0211  
15A NCAC 10C .0305  
15A NCAC 10C .0401  
15A NCAC 10C .0402

*Contact:* Norman Young  
Counsel and Rulemaking Coordinator  
North Carolina Wildlife Resources Commission  
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*Impact:* State government: No  
Local government: No  
Substantial impact: No

*Authority:* G.S. § 113-134

This is a series of seventeen proposed rule changes that the Wildlife Resources Commission (WRC) proposes to take to public hearing contingent on the approval of the full Commission at its meeting on July 12, 2012. The purpose of each proposed rule amendment is set forth below, and the full text of all proposed changes is included in the appendix to this document.

For reasons which are outlined below, WRC believes that these rule changes do not meet the criteria requiring a fiscal note pursuant to G.S. § 150B-21.4.

## **PROPOSED RULE CHANGES SUMMARIES**

### **Background**

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources. (G.S. § 113-131(a) & G.S. §113-131(a)) WRC is tasked with the conservation of wildlife resources of the State (G.S. § 143-239). This mission responsibility includes managing as equitably as possible the various competing interests regarding these resources, including the use and take of such resources. (G.S. § 113-131.1(a)) The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes. (G.S. § 113-134)

As part of its mission, WRC conducts an annual review of its wildlife and fisheries regulations to determine whether such rules need to be adjusted in order to accomplish the objectives of managing wildlife resources through a biologically sustainable harvest of such resources by hunters, trappers and anglers consistent with sound conservation objectives. The Commission also reviews the uses of WRC managed gamelands. This review generally begins internally in January, and culminates with rule proposals in July. The proposals are taken to at least nine public hearings in September, and those proposals subsequently adopted or amended by the full Commission are reviewed by the Rules Review Commission in December.

A summary of the proposed rule amendments is shown below, with the full text of each included in the appendix.

### **Wildlife Management Rules**

*15A NCAC 10B.0106* As amended, this rule would clarify requirements with respect to the public in addressing problems with depredating wildlife. Depredation permits are issued to the landowners to allow for the take of wildlife that has been shown to cause damage to their property. The changes in this rule seek to clarify some conditions for the issuance of this permit, the use of the permit, and disposition of wildlife taken pursuant to the permit. An exception is made for issuing depredation permits for alligators. The American alligator is federally listed as a threatened species only due to its similarity to the American crocodile in order to prevent a mistaken take of the latter species. Because it is federally listed, the State Endangered Species Act requires it to be listed as well. (See G.S. § 113-334(a).) Under the federal Endangered Species Act, hunting of American alligators is allowed in accordance with the laws of the states in which they are found pursuant to 50 CFR 17.42. It is not anticipated that these rules will cause any significant increase or decrease in the overall number of depredation permits issued, so there should be no significant impact to the public, either positive or negative, from this point of view. In addition, because no significant change in the number of permits issued should result, WRC anticipates not additional staff time for processing permit applications. However, there is a potential benefit to the public in terms of public



safety in that the depredation permits would allow these animals to be immediately taken, whether by live trapping for subsequent relocation and release or by euthanization, by individuals without having to wait for authorization from Wildlife or other animal control personnel. Any costs related to relocation and release would be offset by the benefit of increasing safety. If the animal is euthanized and buried or otherwise disposed off, as the rule requires, there would be a cost to society from losing the animal. The value of this loss is approximately \$400, in terms of the value placed on the raw meat and hide of an alligator as measured in at least one other state where take is allowed.<sup>1</sup> North Carolina has not yet attempted to place a monetary value on this species, but would consider Louisiana's figure reasonable. Regardless, live trapping, removal and relocation is the preferred method of take, and other than live take pursuant to a depredation permit is unlikely to be authorized except in an emergency. We would estimate that the loss of alligators would be five or less per year due to alligators taken by euthanized pursuant to a depredation permit. In the future, this proposed rule change could potentially create a benefit for the regulated community in terms of the value hunters would derive from additional hunting opportunities if an alligator season is subsequently proposed and adopted. This rule affects the general public.

*15A NCAC 10B.0114* As amended, this rule would allow people training dogs to carry firearms in order to conform to changes in G.S. § 14-415.11 by S.L. 2011-268 with respect to open carry of firearms. The specific provision is the newly added G.S. § 14-415.11(c3). This rule affects people training hunting dogs.

*15A NCAC 10B.0119* As amended, this rule would allow for the take of threatened species with an open season under a hunting license instead of a collection license if an alligator seasons is subsequently adopted by WRC. Currently, WRC may set seasons and bag limits for "wild animals", which includes the American alligator. See G.S. § 113-129(15), G.S. § 113-291.2(a) and 50 CFR 17.42. This rule is required to permit hunters to use their hunting licenses in lieu of a collection license to hunt alligators. Since permits are not currently issued in any significant numbers for collection of alligators, it is not anticipated that this rule would affect the number of permits issued in any significant way. Rather, WRC views this as a technical correction that would *prevent* any significant increase in the number of permits that would be required to be issued. There is significant interest within the regulated community regarding the establishment of this season as it will provide additional hunting opportunities. Although the regulated community is expected to derive a benefit from the rule change, it is not anticipated that this would have a significant economic impact during the first year of implementation, although depending on the success of the season, the economic benefit could increase in subsequent years. This rule affects hunters.

*15A NCAC 10B.0127* This is a new rule that consolidates the current restrictions and permissions for possession of animals found dead or killed accidentally. Given that none of the restrictions and permissions are new, there would be no impact.

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<sup>1</sup> State of Louisiana Department of Wildlife and Fisheries. Alligator Program.  
<http://www.wlf.louisiana.gov/frequently-asked-alligator-questions>

*15A NCAC 10B.0203* As amended, this rule changes deer season dates in two western counties that currently have a split either-sex season. There is no biological reason to have a one day either-sex season in one-half of the county and a six day either-sex season in the other half of the county. Having one county-wide either sex season reduces complexity for the hunter. The other change in the rules is made pursuant to the statutory requirements for open carry of firearms as described for 15A NCAC 10B.0114 above. This rule affects the general public, but it is not expected to have a substantial economic impact.

*15A NCAC 10B.0206* As amended, this rule expands the number of counties where fox squirrel hunting is allowed. This rule affects hunters. As with many of the rules modifying seasons, this rule is based on the assessment by WRC biologists that the population of fox squirrels in the affected counties can sustain a hunting season without a detrimental impact to the population. At the same time, this change will allow for additional hunting opportunities for the regulated community. This rule affects hunters, but it is not expected to have a substantial economic impact.

*15A NCAC 10B.0209* As amended, this rule would allow an adult to take more than one youth hunting on youth turkey day and expand the number of days in this season from the current (one) to six, but limit the harvest during this expanded season to one bird. The turkey restoration efforts of WRC have been successful enough to permit additional hunting without a detrimental impact to the wild turkey population. WRC biologists believe that this increased hunting opportunity will not result in negative population growth. The Commission has determined that the best way to utilize the additional hunting opportunities is to permit an extended season for youths accompanied by responsible adults, and to provide both increased hunting opportunities and mentoring for the next generation of hunters. This rule affects hunters, but it is not expected to have a substantial economic impact.

*15A NCAC 10D.0102* As amended, this rule would conform to the statutory requirements for open carry of firearms as described for 15A NCAC 10B.0114 above. It would also expand trapping opportunities, although WRC believes that the populations of the animals trapped would not result in a significant impact on the population of any of the affected species or any significant economic impact to the regulated community or public. However, WRC does believe that this would expand opportunities for trappers. The other major provision would result in a cost savings to WRC by the efficient management of the game lands. Specifically, there is a fee increase proposed for the use of Sandhills facilities from \$100 to \$200. The cost in maintenance, utilities and garbage disposal for the club house and field trial grounds has gone up without a corresponding fee increase in over 20 years - see very conservative estimates of FY2009-10 operating expenses in Table 1.

Table 1. FY2009-10 Field Trial Facility Expenses

<b>Item</b>	<b>Expenses</b>
General Maintenance	\$9,176
LP Gas	\$1,794
Electric Power	\$1,555
Trash pick-up	\$1,500
<b>Total expenses</b>	<b>\$14,025</b>

The total revenue generated for 2009-10, however, was only about \$9,000. The proposed increases would help pay for the daily operational cost of running the facilities. This increase would allow WRC to recoup the total costs associated with the rental of the property, but probably would not result in a significant profit, assuming costs continue to rise. Assuming similar use, the total economic impact to the public would increase by an additional \$9,000 the first year. This rule affects game land users.

*15A NCAC 10D.0103* As amended, this rule would: conforms to the statutory requirements for open carry of firearms; increase available camping days; increase rule clarity; create a dove hunt for youth and adults at a specific game lands and make administrative changes. This rule affects in a positive manner game land users, but it is not expected to have a substantial economic impact.

*15A NCAC 10I .0102* As amended, this rule would allow the Commission to create an open season for a specific threatened species, the American alligator as noted in the rule impact summary for 15A NCAC 10B.0106. This rule has the potential to affects the general public only if a season is subsequently adopted by rulemaking.

*15A NCAC 10J .0102* As amended, this rule would allow for open carry of firearms as required by state law on conservation areas pursuant to the addition of (a3) to G.S. § 14-415.11 by S.L. 2011-268 with respect to open carry of firearms.

### **Inland Fisheries Rules**

*15A NCAC 10C .0205* As amended, this rule would add to and modify the list of waters designated as PMTW and further classified as hatchery-supported, delayed-harvest, or wild trout waters. It also removes waters from the PMTW to reflect changes in management, landmarks and partnerships with private landowners. The rule changes reflect a net loss of approximately 35 miles of Public Mountain Trout Waters. However, the reaches of streams being removed from the program are located on private property and posted against trespass, and WRC has no choice to delete them from the PMTW program when requested by the landowner. Removal from the program may or may not result in a net loss of fishing opportunities in that an indeterminate number of these streams probably remain open to fishing, whether by permission of the landowner or based on a private charge to access the affected streams. Either way, WRC has no control over the use of private lands and cannot

assess the loss of opportunity for public access. This rule affects anglers, but it is not expected to have a substantial economic impact.

*15A NCAC 10C .0206* As amended, this rule would be relaxed to allow the use of set hooks in impounded waters of power reservoirs and municipally-owned water supply reservoirs which are designated as Public Mountain Trout Waters. This rule affects anglers, but it is not expected to have a substantial economic impact.

*15A NCAC 10C .0211* As amended, this rule would add bighead and silver carp to the list of species which are unlawful to transport, purchase, possess, sell or stock into public or private waters. This rule affects the general public, but it is not expected to have a substantial economic impact.

*15A NCAC 10C .0305* As amended, this rule would change size and creel limits for striped bass, black bass, American shad, and walleye. Specifically:

- Black bass – One change clarifies the general statewide size and creel limits. A second change establishes the general statewide size and creel limits for multiple waters allowing two fish less than the 14 minimum size limit to be harvested. A third change removes the daily creel limit for fish less than the 14-inch minimum size limit in Lake Santeetlah.
- Striped bass and hybrid striped bass – One change clarifies the general statewide size and creel limits. A second change decreases the minimum size limit for striped bass from 26 to 24 inches in John H. Kerr Reservoir and in the Dan River upstream from the Bannister River to the dam at Union Street in Danville, VA from October 1 through May 31.
- Walleye – The change establishes an 18-inch minimum size limit and decreases the daily creel limit from eight to five fish for walleye in John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake.
- American shad – The change reduces the possession limit in the inland fishing waters of the Cape Fear River and its tributaries to five fish per day within the 10-fish daily creel for American shad and hickory shad in combination.

These changes are made primarily in the interest of the conservation of the listed species, and WRC does not anticipate any significant change in actual fishing opportunities for any of these species. This rule affects anglers, but it is not expected to have a substantial economic impact.

*15A NCAC 10C .0401* As amended, this would make it unlawful to possess river herring (alewife or blueback herring) greater than six inches while boating on or fishing in inland waters of coastal rivers and their tributaries. Despite the establishment of a coast-wide harvest moratorium in 2007, river herring stocks in North Carolina coastal rivers are still depleted and require continued protection. However, the current rule text

associated with the moratorium allows for possession of river herring greater than six inches by anglers while fishing in North Carolina coastal rivers as long as the river herring were legally taken from other waters or purchased legally through a licensed dealer. This change eliminates an enforcement loophole in the current rule where anglers replace legally purchased river herring with those taken illegally and use the original purchase receipt as documentation of legal possession. WRC does not believe this will have any effect on fishing opportunities or actual bait procurement. This rule would, however, negatively affect anglers, but it is not expected to have a substantial economic impact.

*15A NCAC 10C .0402* As amended, this proposal would amend taking nongame fishes for bait or personal consumption rule to allow the possession of live river herring on Lake Rhodhiss and Lake James, and make it unlawful to possess river herring (alewife or blueback herring) greater than six inches while boating on or fishing in inland waters of coastal rivers and their tributaries. The two changes constitute actual changes from the current rules. The first change allows the possession of live river herring on Lake Rhodhiss and Lake James where possession is currently prohibited. The second change supplements the change in 15A NCAC 10C .0401 which eliminates an enforcement loophole in the current rule where anglers replace legally purchased river herring with those taken illegally and use the original purchase receipt as documentation of legal possession. WRC does not believe this will have any effect on fishing opportunities or actual bait procurement, although in the case of Lake Rhodhiss and Lake James, the change will likely make the procurement of bait simpler by allowing the possession of river herring. The rule change has both a positive and negative effect on anglers, but it is not expected to have a substantial economic impact.

**STATE IMPACT ANALYSIS:** The agency has concluded that there will be no significant cost to the State for any of the above rules since each of the above rules represents a non-substantial modification to an existing rule. The changes will result in different criteria for some enforcement actions, but none are anticipated to result in an increase or decrease in enforcement activity, and none will require additional enforcement hours. The State would, however, benefit from an increase in fee revenue, estimated at about \$9,000, as a result of changes in rule 15A NCAC 10D .0102.

**LOCAL IMPACT ANALYSIS:** Local governments are not involved in the enforcement of WRC rules and should incur no costs as a result of this rule.

**SUBSTANTIAL ECONOMIC IMPACT ANALYSIS:** WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of any of these proposed changes. The changes will result in minimal alterations of hunter and angler habits and conduct, and should ultimately result in non-substantial cost and benefits to the regulated community. Also, any potential costs or benefits to the general public are not expected to be substantial. Therefore, WRC has determined that the economic impact to the public does not meet the threshold impact requirement of \$500,000 annually.

# EXHIBIT N-1

July 12, 2012



## 15A NCAC 10F .0303 – BEAUFORT COUNTY – TECHNICAL CHANGES

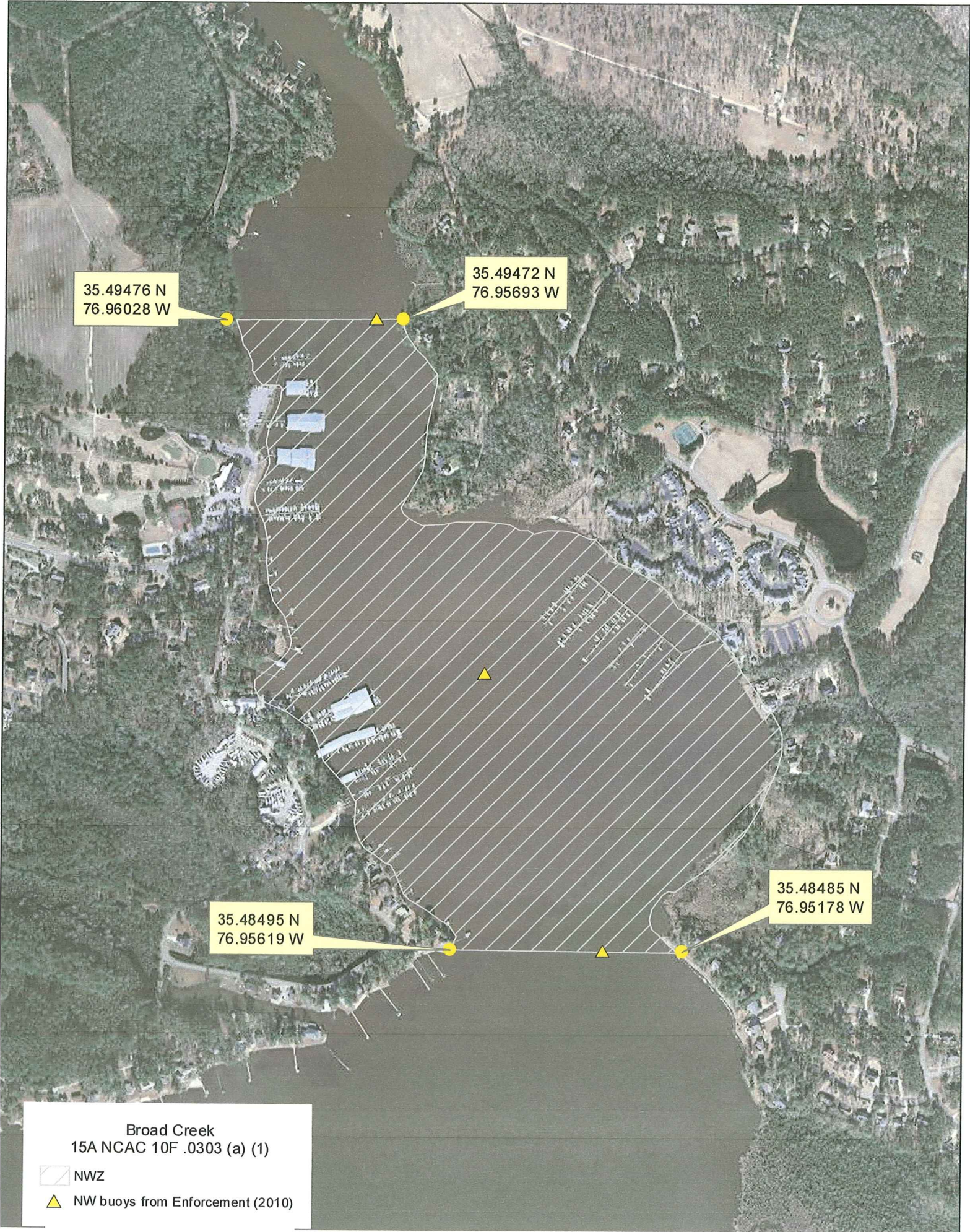
Staff recommends approval of technical changes to (a)(1) – Broad Creek and (a)(7) – Tranters Creek in the water safety rule for Beaufort County. The descriptions of the no wake zones have been edited for clarity and GPS coordinates provided. These are not substantive changes and do not require publication in the *North Carolina Register*.

### 15A NCAC 10F .0303      BEAUFORT COUNTY


(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:


- (1) ~~that portion of Broad Creek bounded on the north by a line running due east and west across Broad Creek through a point 1400 feet due north of Red Marker No. 6, on the south by a line running east and west across Broad Creek through the location of Red Marker No. 4, on the east and west by the high water mark on Broad Creek; south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;~~
- (7) ~~that portion of Tranters Creek beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers. east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.~~





Broad Creek  
15A NCAC 10F .0303 (a) (1)

 NWZ

 NW buoys from Enforcement (2010)



35.56961 N  
77.09159 W

35.56888 N  
77.09118 W

35.56714 N  
77.08941 W

35.56689 N  
77.09029 W

Tranters Creek  
15A NCAC 10F .0303 (a) (5)-Beaufort  
15A NCAC 10F. 0354 (a) (3)-Pitt

NWZ

NW buoys from Enforcement (2010)



# EXHIBIT N-2

July 12, 2012



## **15A NCAC 10F .0303 – BEAUFORT COUNTY – AGENCY PROPOSAL FOR AN AMENDMENT AND REPEAL PERTAINING TO THE NO WAKE ZONE AT MOUTH OF THE CREEK BRIDGE, BLOUNTS CREEK**

Staff recommends adoption of an agency request to begin rulemaking for an amendment to 15A NCAC 10F .0303(a)(6), to clarify the description of the no wake zone on Blounts Creek at the bridge that is correctly known as the Mouth of the Creek bridge, and also to accurately define the location of existing markers as being 35 yards south-southeast of the bridge and 350 yards north-northeast of the bridge. Staff also recommends repeal of (a)(2) of the rule, which refers to the same location on Blounts Creek and was superseded by the later adoption of (a)(6). Commission action today will allow the rulemaking coordinator to publish Notice of Text and Notice of Repeal in the *North Carolina Register* and to hold a public hearing per the requirements of the Administrative Procedure Act. The Commission may consider adoption of the amended rule after the requirements for public hearing and Notice have been met.

### **15A NCAC 10F .0303 BEAUFORT COUNTY**

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- ~~(2) — that portion of Blounts Creek 100 yards on either side of the SR 1112 Bridge;~~
- (6) that portion of Blounts Creek ~~beginning 50 yards on the south side and 300 yards on the north side of the Blounts Creek Bridge;~~ north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43645 N, 76.96998 W.



No Wake Zone Amendment for 15A NCAC 10F. 0303 (a)(6)  
Blounts Creek, Beaufort County





# EXHIBIT N-3

July 12, 2012



## 15A NCAC 10F .0303 – BEAUFORT COUNTY – AGENCY PROPOSAL TO PROMULGATE RULEMAKING FOR AN AMENDMENT ON A PORTION OF BLOUNTS CREEK

Staff recommends adoption of a request by the agency to begin rulemaking for a proposed amendment to 15A NCAC 10F .0303(a)(3) – Beaufort County, including holding a public hearing and publishing Notice of Text in the *North Carolina Register*. The proposed amendment will provide for a larger no wake zone at the Blounts Creek Boating Access Area, beginning shore to shore 100 yards north of the new boating access area. Staff proposes to further revise (a)(3) of this rule to shorten the southern end of the no wake zone, at a point shore to shore 100 yards south of Cotton Patch Landing.

Enforcement has investigated the length of Blounts Creek. The proposed amendment will provide for necessary mitigation of hazards to water safety in a portion of the creek, which include the presence of the Blounts Creek Boating Access Area to the north and the boat launch facility and fueling area at the Cotton Path Landing Marina to the south.

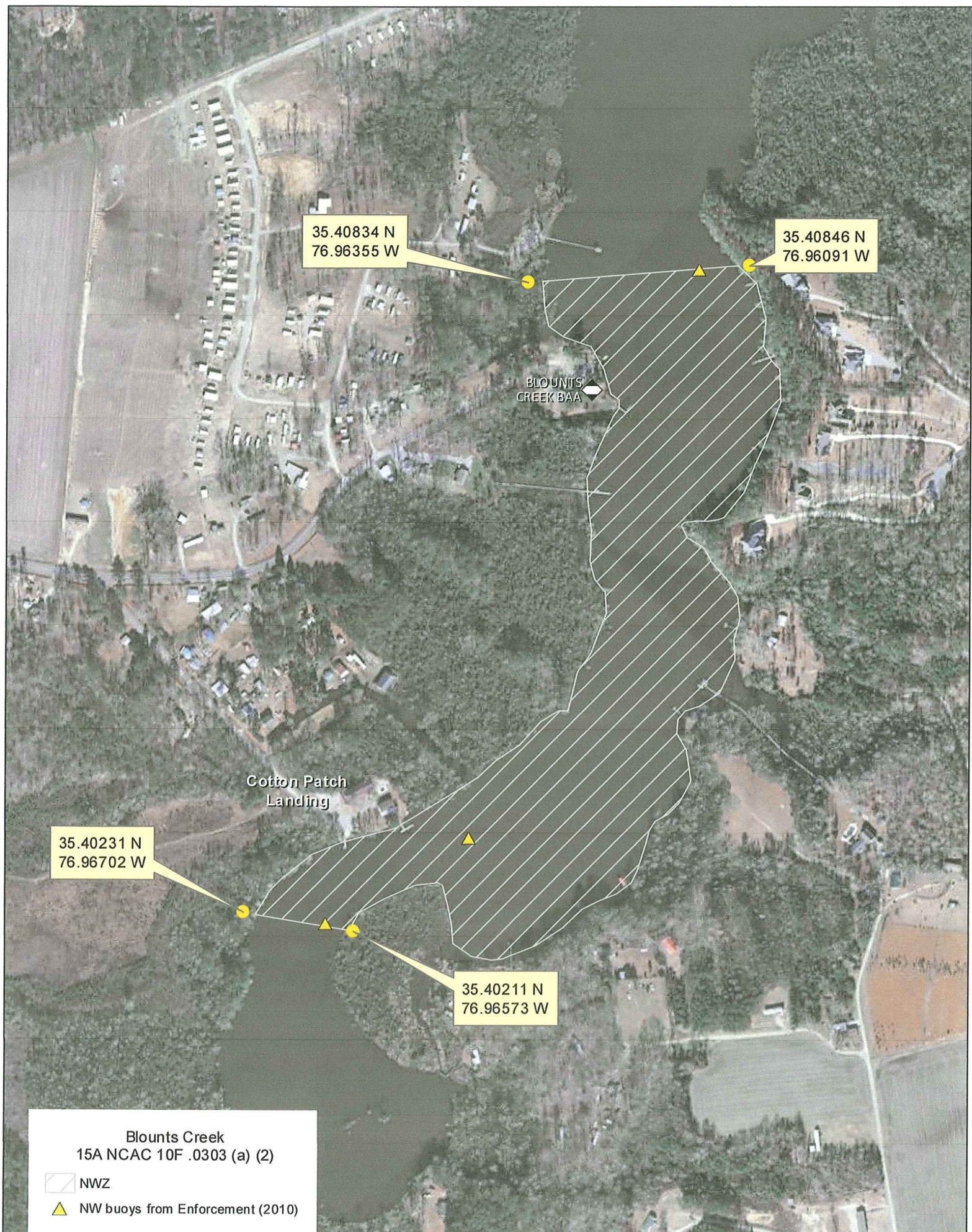
Engineering Services will cover the cost of buoys to mark the northern and southern lines of the proposed no wake zone as part of the construction cost of building the Blounts Creek Boating Access Area. The Wildlife Resources Commission will consider action to adopt a fiscal note review today. Adoption of this proposed amendment may be made after the Notice of Text is published in the *NCR* for at least 60 days.

### 15A NCAC 10F .0303 BEAUFORT COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- (3) ~~that portion of Blounts Creek beginning 100 yards below the Old Crist Landing and extending upstream to the NC 33 bridge; south of a line 100 yards north of the Blounts Creek Boating Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W;~~





35.40834 N  
76.96355 W

35.40846 N  
76.96091 W


BLOUNTS  
CREEK BAA


Cotton Patch  
Landing

35.40231 N  
76.96702 W

35.40211 N  
76.96573 W

Blounts Creek  
15A NCAC 10F .0303 (a) (2)

 NWZ

 NW buoys from Enforcement (2010)



# EXHIBIT O

July 12, 2012



ROY COOPER  
ATTORNEY GENERAL

State of North Carolina  
Department of Justice  
9001 Mail Service Center  
RALEIGH, NORTH CAROLINA  
27699-9001

REPLY TO:  
C. NORMAN YOUNG, JR.  
SERVICE TO STATE AGENCIES  
PHONE: 919-716-6800  
FAX: 919-716-6755  
E-MAIL: NYOUNG@NCDNJ.GOV

June 19, 2012

Fiscal Analysis Review of  
Proposed Wildlife Resources Commission (WRC) "No-Wake Zone" Rule  
(15A NCAC 10F .0303)

*Contact:* Norman Young  
Counsel and Rulemaking Coordinator  
North Carolina Wildlife Resources Commission  
(919) 716-6813

*Impact:* State government: No  
Local government: No  
Substantial impact: No

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

This rule, if amended (see proposed rule text in Appendix 1), will make the following changes:

1. Subdivisions (a)(1) and (a)(6) address technical changes that convert the current descriptions of the existing "no-wake" zones (NWZ) to descriptions based on latitude and longitude. These changes will provide for a more accurate determination of the boundaries in the future that will not rely on physical landmarks that may not exist in the future, or shift due to shoreline changes, or be renamed. As they come up for amendment, similar technical changes are being applied to all such rules. However, these changes will have absolutely no effect on the public as they do not change any NWZ boundary.
2. Subdivision (a)(5) changes the NWZ described by 15 yards. This is done to conform the rule to the actual placement of the marker in the water, and is based on a survey of the site that revealed the marker was placed 15 yards inside of the currently described NWZ. The zone is marked by an existing piling that would be expensive to relocate, and WRC believes that the site as

currently marked is adequate to address safety issues. Again, these changes will have no effect on the public as they will not alter the currently marked NWZ boundary.

3. Subdivision (a)(2) creates an NWZ (see Appendix 2) that is greater than the one currently authorized by the provisions of 15A NCAC 10E.0104(d). This change is needed to ensure public safety in the vicinity of a new boating access area (BAA).

For reasons which will be outlined below, WRC believes that this rule change does not have an economic impact.

**STATE IMPACT ANALYSIS:** The agency has concluded that there will be no net cost to the State as a result of this rule as will be explained below.

The only portion of this rule that will have any associated costs is subdivision (a)(2). This subdivision would establish an NWZ on either side of the newly constructed Blounts Creek BAA that exceeds the size of the NWZ currently authorized by the operation of 15A NCAC 10E.0104(d). Pursuant to 15A NCAC 10E.0104(d), an NWZ is automatically established within 50 yards of any WRC operated BAA, although such zone must be marked to be enforceable pursuant to 15A NCAC 10F .0301(c).

The Blounts Creek BAA would require three markers to be enforceable if marked in conformity with 15A NCAC 10E.0104(d) and 15A NCAC 10F .0301(c). Budgeting for these markers was included in the overall budgeting for the BAA construction project at a cost of approximately \$600.

The Commission has determined due to the narrow area of Blounts Creek BAA, that a larger NWZ is required for safety. Accordingly, 15A NCAC 10F .0303 (a)(2) proposes to extend the no wake zone from 100 yards north of the Blounts Creek BAA and to 100 yards south of Cotton Patch Landing. This rule is intended to accomplish the agency's mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program enforced by WRC's Division of Enforcement.

Since the cost of the placement of these markers by WRC has already been budgeted, and since they would be placed pursuant to existing rule if this rule were not proposed, the cost to the State for placement of markers will not be affected by this rule.

The proposed change will not affect staffing or costs to WRC for enforcement as this is already an active patrol area and there should be no need for either an increased or decreased Enforcement presence.

As noted above, the remainder of the proposed changes are technical in nature and clarify the precise locations of existing NWZs by means of latitude and longitude rather than solely in reference to landmarks. They do not affect the public.

**LOCAL IMPACT ANALYSIS:** There is no cost to Beaufort County for the enactment of this rule since the State will be responsible for enforcement.

**SUBSTANTIAL ECONOMIC IMPACT ANALYSIS:** WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal since this is primarily a recreational boating area. Although the NWZ will require recreational traffic to slow to no-wake speed through this area, any inconvenience should be far outweighed by enhanced safety and recreational opportunity for boaters. Accordingly, WRC has determined that the economic impact to the public for this rule is not substantial.



## APPENDIX 1

15A NCAC 10F .0303 is proposed for amendment as follows:

### 15A NCAC 10F .0303 BEAUFORT COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- (1) ~~that portion of Broad Creek bounded on the north by a line running due east and west across Broad Creek through a point 1400 feet due north of Red Marker No. 6, on the south by a line running east and west across Broad Creek through the location of Red Marker No. 4, on the east and west by the high water mark on Broad Creek; south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;~~
- ~~(2) that portion of Blounts Creek 100 yards on either side of the SR 1112 Bridge;~~
- (3) ~~(2)~~ that portion of Blounts Creek ~~beginning 100 yards below the Old Crist Landing and extending upstream to the NC 33 bridge;~~ south of a line 100 yards north of the Blounts Creek Boating Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W;
- (4) ~~(3)~~ the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- (5) ~~(4)~~ the navigable portion of ~~Nevils~~ Nevil Creek extending upstream from its mouth at the Pamlico River; and
- ~~(6) (5)~~ that portion of Blounts Creek ~~beginning 50 yards on the south side and 300 yards on the north side of the Blounts Creek Bridge;~~ north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43645 N, 76.96998 W; and
- ~~(7) (6)~~ that portion of Tranters Creek ~~beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers.~~ east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.

(b) Speed Limit. It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.



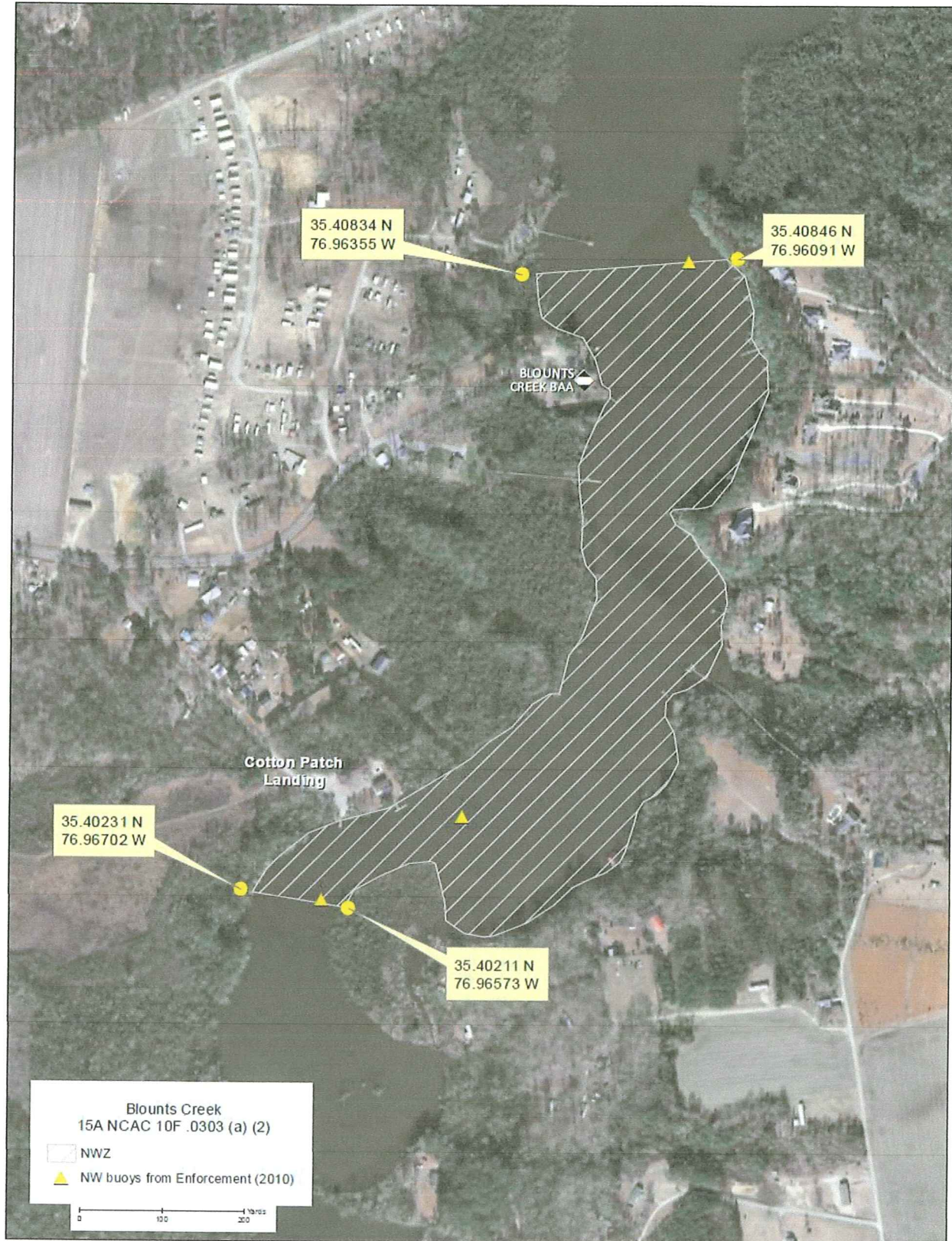
(c) Placement and Maintenance of Markers. The Board of Commissioners of Beaufort County and the City Council of the City of Washington are designated as suitable agencies for placement and maintenance of the markers implementing this Rule.

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

*Eff. February 1, 1976;*

*Amended Eff. September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989; March 1, 1987; April 1, 1986; March 4, 1979;*

## Appendix 2





# EXHIBIT P

July 12, 2012

## Temporary Rulemaking - Hunting Coyote and Feral Swine

Permanent rules to allow the use of artificial light and hunting at night for coyotes and feral swine were adopted by the Wildlife Resources Commission on May 3, 2012 and approved by the Rules Review Commission (RRC) on June 20, 2012. Implementation of these rules will be delayed significantly in accordance with G.S. § 150B-21.3(b2) due to letters from the public sent to the RRC requesting legislative review of these rules. Provisions in G.S. § 150B-21.3(b2) allow the Commission to adopt these rules as temporary rules. Staff recommends the Wildlife Resources Commission adopt the following temporary rules which include technical corrections as requested by RRC to be effective August 1, 2012:

### 15A NCAC 10B .0219 COYOTE

- (a) This rule applies to hunting coyotes. There is no closed season for taking coyotes. ~~coyotes by hunting.~~ Coyotes may be taken on private lands [by hunting] anytime during the day or night. Coyotes may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.
- (b) There are no bag limit restrictions on coyotes.
- (c) Manner of Take. Hunters may use electronic ~~calls.~~ calls and artificial lights.

*History Note:* Authority G.S. 113-134; 113-291.1; 113-291.2; 113-264  
Eff. July 1, 1993.  
Amended Eff. January 1, 2012  
Amended Eff. August 1, 2012

### 15A NCAC 10B .0223 FERAL SWINE

- (a) ~~Open season.~~ This rule applies to hunting feral swine. There is no closed season for taking feral swine. ~~swine by hunting.~~ Feral swine may be taken on private lands [by hunting] anytime during the day or night. Feral swine may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.
- (b) ~~Bag limits.~~ There are no bag limit ~~restrictions.~~ restrictions on feral swine.
- (c) Manner of take. Hunters may use artificial lights.

*History Note:* Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2; 113-264  
Temporary Adoption Eff. October 1, 2011  
Eff. January 1, 2012  
Eff. August 1, 2012