

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.  
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.1 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10H .1501 and amend the rules cited as 15A NCAC 10F .0317 and .0327.*

**Codifier of Rules received for publication the following notice and proposed temporary rule(s) on:** March 16, 2020

### Public Hearing:

**Date:** April 8, 2020

**Time:** 10:00 a.m.

**Location:** WRC Headquarters, 1751 Varsity Drive, Raleigh, NC 27606

**Reason for Proposed Temporary Action:** A serious and unforeseen threat to the public health, safety or welfare. The effective date of a recent act of the General Assembly or of the US Congress, SL 2019-204, September 1, 2019, G.S. 150B-21.1(a)(7).

For 15A NCAC 10H .1501, SL 2019-204 established rabbit pens as a type of controlled hunting preserve and authorized the WRC to establish rules for the operation of those hunting preserves. G.S. 150B-21.1(a)(7) authorizes the commission to initiate temporary rulemaking. This proposed temporary rule provides for the licensing and regulation of controlled rabbit hunting preserves and sets out operational conditions, application processes, and recordkeeping requirements.

For the temporary amendments to 15A NCAC 10F .0317 and .0327, a no wake zone within 85 yards north and south of the NC HWY 24/27/73 bridge, known as the James B. Garrison Bridge, is needed to mitigate water safety hazards during an NCDOT bridge project. These temp. amendments are an extension of the current temp. amendments effective in 10F .0317 and .0327.

**Comment Procedures:** Comments from the public shall be directed to: Rule-Making Coordinator, 1701 Mail Services Center, Raleigh, NC 27699; email regulations@ncwildlife.org. The comment period begins March 23, 2020 and ends April 13, 2020.

## SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

### SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

#### 15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters ~~and portions of waters~~ described as follows:

(1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin Lake.~~

(2) ~~Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22539 N, 80.09318 W.~~

(2) Lake Tillery.

(A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.

(B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

Authority G.S. 75A-3; 75A-15.

#### 15A NCAC 10F .0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

(1) Badin Lake.

- (A) the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
  - (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
  - (C) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and
  - (D) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.
- (2) Lake Tillery.
- (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
  - (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W;
  - (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W; and
- (3) Tuckertown Reservoir.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area described in Paragraph (a) of this Rule.

(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (2)(A) and (B), and Subparagraph (a)(3) of this Rule. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

*Authority G.S. 75A-3; 75A-15.*

## SUBCHAPTER 10H - REGULATED ACTIVITIES

### **15A NCAC 10H .1501 CONTROLLED RABBIT HUNTING PRESERVES**

(a) For the purposes of this Rule, a controlled rabbit hunting preserve or preserve shall mean an area that is completely and permanently enclosed with a metal fence designed to prevent the escape or entry of rabbits at any time where box-trapped rabbits are released for the purposes of hunting with dogs.

(b) The following conditions shall apply to the take of rabbits on controlled rabbit hunting preserves:

- (1) take of rabbits shall be authorized year-round; and
- (2) dogs shall be the only authorized manner of take.

(c) It shall be unlawful for an individual to operate a controlled rabbit hunting preserve without first obtaining a controlled hunting preserve operator license from the Commission.

(d) A controlled hunting preserve operator license issued pursuant to this Rule shall entitle the license holder to operate a controlled rabbit hunting preserve.

(e) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by relocating the site of the preserve.

(f) Application for a controlled hunting preserve operator license shall be made on a form available from the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. The application shall include the following information:

- (1) the applicant's name, address, telephone number, date of birth; and
- (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance.

(g) Unless otherwise exempt from license requirements, every person participating in the pursuit of rabbits on a controlled rabbit hunting preserve shall have a valid resident or nonresident hunting license or a controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.

(h) License holders shall keep an accurate record of all rabbits released into or removed from the preserve. Records shall contain the following information:

- (1) the number of rabbits released into the preserve;
- (2) the county of origin; and
- (3) name, address, and phone number of the individual that provided the rabbits to the preserve.

(i) The records required by this Rule shall be available for inspection by a representative of the Commission upon request and shall be retained by the license holder for 12 months following expiration of the license.

(j) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled rabbit hunting preserve upon request or during the preserve's operating hours for inspection, enforcement, or scientific purposes.

*Authority G.S. 113-134; 113-273.*