

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10L .0101-.0104, amend the rule cited as 15A NCAC 10G .0601, and readopt with substantive changes the rule cited as 15A NCAC 10B .0114.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: October 1, 2020

Public Hearing:

Date: May 7, 2020

Time: 10:00 a.m.

Location: Please click this link to join the webinar: <https://zoom.us/j/185501507>, or join by telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 185 501 507

Reason for Proposed Action:

15A NCAC 10L .0100s - Wildlife Conservation Land Program - Session Law 2018-95 extended the reduced property tax assessment for wildlife conservation land that creates and is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation or wildlife activities. These proposed permanent rules address the activities and inspection requirements for this statutory expansion. They will replace temporary Rule 10L .0101 Wildlife Reserve, adopted by the Commission at its October 2019 meeting.

15A NCAC 10B .0114 - Dog Training And Field Trials- This rule is part of the 2017 periodic review, with a re-adoption deadline of December 30, 2022. It is amended to provide for the issuance of Field Trial Permits via the online portal at ncwildlife.org. Organizational and technical changes are also proposed.

15A NCAC 10G .0601 - Totally Disabled License Eligibility - This Rule is proposed for amendment to provide an alternative method for certification of a qualifying disability. Organizational and clarifying changes are also proposed.

Comments may be submitted to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: June 1, 2020

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

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

(a) For purposes of 15A NCAC 10B and 10D, the following definitions apply:

- (1) "Commission-sanctioned field trial" means a field trial ~~that, pursuant to a written request from the sponsoring organization, that~~ has been authorized in writing and scheduled for occurrence by an authorized representative of by the Wildlife Resources Commission. Commission and for which a Field Trial Permit has been issued.
- (2) "Active participant" means ~~a person~~ an individual participating in a field trial who handles dogs or uses a firearm.
- (3) "Field Trial Permit" means the permit issued by the Wildlife Resources Commission that authorizes an individual to hold a commission-sanctioned field trial for dogs in accordance with governing laws and the Rules of the Commission.

(b) Individuals desiring to conduct a commission-sanctioned field trial shall obtain a Field Trial Permit from the Wildlife Resources Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606.

~~(b)(c) Each person~~ Individuals using wildlife to train or run dogs shall possess a North Carolina hunting license.

~~(e)(d) A person serving as judge of a commission sanctioned field trial is exempted~~ An individual who is serving as a judge of a commission-sanctioned field trial shall be exempt from any license requirements. ~~Judges of non-sanctioned~~ An individual who is serving as a judge of a non-sanctioned field trial using wildlife shall possess a North Carolina hunting license.

~~(d)(e) Except as exempted provided~~ In Paragraph (e)(f) of this Rule, the following applies license requirements shall apply to active participants in field trials:

- (1) North Carolina residents participating in any field trial that uses wildlife shall have a N.C. hunting license;
- (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a N.C. hunting license or a hunting license from his or her state of residence; and
- (3) non-residents participating in other types of field trials that use wildlife shall possess a N.C. hunting license

~~(e)(f) Persons~~ Notwithstanding Paragraph (e) of this Rule, an individual without a license may participate in commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that ~~are fenced in accordance with~~ meet the fencing requirements specified in G.S. 113-276(k).

~~(f)(g) Except as allowed by rules pertaining to authorized field trials, it is~~ It shall be unlawful to carry axes, saws, or climbing irons while training or running dogs during ~~closed season on game animals.~~ any closed season for game animals.

~~(g)(h) On a commission sanctioned field trial for retrievers or bird dogs,~~ The following conditions shall apply to commission-sanctioned field trials for retrievers or bird dogs:

- (1) shotguns containing live ammunition or firearms using only blank ammunition ~~may be used only when the application for and the authorization of the field trial so provide.~~ shall be prohibited unless specifically authorized by a Field Trial Permit;
- (2) ~~No~~ no wild waterfowl, ~~quail~~ wild quail, or wild pheasant shall be used in field trials when shotguns with live ammunition are ~~permitted.~~ permitted;
- (3) ~~All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird propagator.~~ only waterfowl, quail, or pheasants lawfully obtained from a licensed game bird propagator shall be authorized for use in field trials.
- (4) ~~Each specimen of waterfowl so obtained~~ waterfowl obtained from licensed game bird propagators for use in field trials when shotguns with live ammunition are authorized shall be marked by one of the methods provided by 50 C.F.R. 21.13; specified in 50 C.F.R. 21.13; and
- (5) ~~Each pheasant or quail so obtained~~ pheasants or quail obtained from licensed game bird propagators for use in field trials where shotguns with live ammunition are authorized shall be banded by the propagator prior to delivery with a leg band that is imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy of the receipt from the propagator showing the date and date, the number number of birds purchased, propagator license number, and species of birds purchased. The A copy of the receipt shall be available for inspection by any authorized agent representatives of the Wildlife Resources Commission during the time and at the place where the trial is being held.

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

~~(i) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller during the closed season using domestically raised waterfowl and domestically raised game birds.~~ The following conditions shall apply when training dogs during the closed season for domestically raised waterfowl and domestically raised game birds:

- (1) only shotguns with number four size shot or smaller shall be authorized;
- (2) ~~Only~~ nontoxic shot shall be used when training dogs using domestically raised ~~waterfowl.~~ waterfowl;
- (3) ~~All~~ all domestically raised waterfowl shall be individually tagged on one leg with a seamless band stamped with the ~~number of the propagation license number of~~ number of ~~for~~ the facility from which the domestically raised waterfowl ~~originated.~~ originated; and
- (4) ~~All~~ all other domestically raised game birds shall be individually tagged on one leg with a band indicating the propagation license number ~~for~~ of the facility from which the birds originated.

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

Amended Eff. May 1, 2015; January 1, 2013; January 1, 2012; May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1, 1990.

SUBCHAPTER 10G - DISTRIBUTION AND SALE OF HUNTING: FISHING: AND TRAPPING LICENSE

SECTION .0600 – LICENSE ELIGIBILITY

15A NCAC 10G .0601 TOTALLY DISABLED LICENSE ELIGIBILITY

~~The Wildlife Resources Commission shall accept documentation from individual residents who are certified as totally and permanently disabled by the Social Security Administration, Civil Service Retirement System, Railroad Retirement Board, or the North Carolina State Retirement System for the purpose of obtaining a lifetime totally disabled hunting and fishing license as described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.~~

(a) North Carolina residents that are totally and permanently disabled shall be eligible for the totally disabled lifetime nine licenses described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.

(b) Written certification of a resident's total and permanent disability as specified in Paragraphs (c) and (d) of this Rule shall be required and submitted to the Wildlife Resources Commission prior to the issuance of a totally disabled lifetime license.

(c) Written certification of a resident's total and permanent disability from the following institutions shall be accepted for the purposes of qualifying for the totally disabled lifetime licenses specified in Paragraph (a) of this Rule:

- (1) The Social Security Administration;
- (2) The Civil Service Retirement System;
- (3) The Railroad Retirement Board; and
- (4) The North Carolina State Retirement System.

(d) Residents not receiving or qualifying for benefits from the institutions specified in Paragraph (c) of this Rule may submit written certification from a licensed physician, licensed physician assistant, or certified nurse practitioner that the resident's impairment qualifies under the categories set forth by the Social Security Administration in 20 C.F.R. 416.934 for presumptive disability or presumptive blindness, excluding the impairment categories specifically applying to infants. 20 C.F.R. 416.934 is hereby incorporated by reference, including subsequent amendments and editions. This regulation may be accessed free of charge at www.ecfr.gov.

History Note: Authority G.S. 113-134; 113-270.1C; 113-270.1D; 113-271; 113-351;
Eff. August 1, 2014.

SUBCHAPTER 10L – WILDLIFE CONSERVATION LAND PROGRAM

15A NCAC 10L .0101 WILDLIFE CONSERVATION LAND

(a) Wildlife Conservation Land is a classification of land that meets the size and ownership requirements specified in G.S. 105-277.15 and on which one or more of the use requirements in Subparagraphs (b)(1) through (b)(3) of this Rule are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife Resources Commission that is submitted by the landowner to the county where an application for reduced property tax assessment is requested.

(b) Use Requirements:

- (1) Protection of species on the protected animal list;
- (2) Conservation of priority wildlife habitats; or
- (3) Land managed and actively used as a wildlife reserve.

History Note: Authority G.S. 105-277.15;

15A NCAC 10L .0102 PROTECTION OF SPECIES ON THE PROTECTED ANIMAL LIST

(a) As specified in 15A NCAC 10L .0101, the protection of species on the protected animal list shall be a qualifying land use for Wildlife Conservation Land. Eligible species shall be those designated by the Commission in 15A NCAC 10I .0100 as endangered, threatened, or special concern.

(b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the protection of species on the protected animal list use requirement:

- (1) at least one protected wildlife species shall have been identified on the land;
- (2) the landowner shall be required to manage the land to protect the species through established strategies identified in the Wildlife Habitat Conservation Agreement; and
- (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

History Note: Authority G.S. 105-277.15;

15A NCAC 10L .0103 CONSERVATION OF PRIORITY WILDLIFE HABITATS

(a) As specified in 15A NCAC 10L .0101, the conservation of priority wildlife habitats shall be a qualifying land use for Wildlife Conservation Land. Priority wildlife habitats shall mean those habitats specified in G.S. 105-277.15(c)(3)(a)(2).

(b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the conservation of priority wildlife habitat land use requirement:

- (1) at least one of the priority wildlife habitats specified in G.S. 105-277.15(c)(3)(a)(2) shall have been identified on the land or planned for establishment;
- (2) the management strategies identified for the continued existence of the priority wildlife habitat shall be in place or planned for as specified in the Wildlife Habitat Conservation Agreement; and
- (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

History Note: Authority G.S. 105-277.15;

15A NCAC 10L .0104 WILDLIFE RESERVE

(a) As specified in 15A NCAC 10L .0101, land that is managed and actively used as a wildlife reserve shall be a qualifying land use for Wildlife Conservation Land. Wildlife reserve shall mean a type of wildlife conservation land that is created to be actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities, and upon which wildlife management activities are conducted to ensure the propagation of a sustaining breeding, migrating or wintering population of indigenous wild animals. Land managed and maintained primarily for human uses such as large lawns, golf courses, horse pastures, production agricultural fields, monoculture hayfields, solar energy, and commercial timber stands shall not qualify as wildlife reserve land.

(b) As specified in G.S. 105-277.15(c)(3)(a)(3), to qualify as Wildlife Conservation Land under the wildlife reserve land use requirement, at least three of the following activities shall be maintained on the land as agreed upon in the written Wildlife Habitat Conservation Agreement:

- (1) "supplemental food" shall mean annual or perennial noninvasive plantings that provide a direct or indirect source of food or nutrition for wildlife resources.
- (2) "supplemental water" shall mean artificial water features or sources that are created or installed for the benefit of wildlife resources.
- (3) "supplemental shelter" shall mean natural or artificial structures that are created or installed to provide shelter from the weather, nesting sites, or escape cover from predators. Supplemental shelter may include the addition of natural or artificial structures into aquatic habitats.
- (4) "habitat control" shall mean the implementation of practices to establish, restore, enhance, or maintain upland, wetland, riparian, or aquatic vegetation or physical aquatic habitat.
- (5) "erosion control" shall mean the implementation of practices to prevent, reduce, or minimize soil erosion. Practices may include streambank and in-stream channel stabilization. Practices established for erosion control shall not be known to harm wildlife or include invasive plant species.
- (6) "predator control" shall mean a practice implemented to reduce the abundance of a species or suite of species that preys on any life stage of wildlife species for which the land is managed. Predator control includes removal of invasive animal species to manage or protect wildlife or wildlife habitats.
- (7) "census of animal population on the land" shall mean conducting or participating in periodic surveys and inventories to determine the presence, number, composition, biological condition, or human use of wildlife.

(c) Qualifying land shall be inspected at least once every five years following the date that the conservation agreement is signed to ensure that at least three of the seven activities specified in Subparagraphs (b)(1) through (b)(7) of this Rule are maintained. The following conditions shall apply to the required inspection:

- (1) a wildlife biologist employed by a state or federal agency, a Certified Wildlife Biologist® credentialed by the Wildlife Society, or a Certified Fisheries Professional credentialed by the American Fisheries Society shall perform the inspection of qualifying land; and
- (2) inspections shall be recorded by the wildlife biologist on a form provided by the Commission. The landowner shall submit the completed form to the county tax assessor's office during the open enrollment period for the year that the inspection is due.

History Note: Authority G.S. 105-277.15;