



AGENDA
N.C. WILDLIFE RESOURCES COMMISSION
December 9, 2021, 9:00 a.m.
1751 Varsity Drive
NCWRC Conference Room, 5th Floor
Raleigh, North Carolina

CALL TO ORDER – *Chairman Monty Crump*

This electronic meeting is being streamed live for the public to attend and recorded as a public record. The recording of the meeting will be available at www.ncwildlife.org.

ROLL CALL OF COMMISSIONERS PRESENT – *Margo Minkler, Commission Liaison*

MANDATORY ETHICS INQUIRY – North Carolina General Statute §138A-15 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 inquires 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 Monty Crump*

NOTICES OF COMMISSION APPOINTMENTS – Receive Notices of Appointments by Governor Roy Cooper of Hayden A. Rogers, At-Large (**EXHIBIT A-1**); and J. Carlton Cole, At-Large (**EXHIBIT A-2**), for terms ending June 30, 2025; and Appointments of Michael K. Alford, District 2 (**EXHIBIT A-3**); Thomas M. Haislip, Jr., District 5 (**EXHIBIT A-4**); and David Hoyle, Jr., District 8 (**EXHIBIT A-5**); for terms ending June 30, 2027.

RECEIVE STATE ETHICS COMMISSION REVIEWS OF 2021 STATEMENT OF ECONOMIC INTEREST FOR PROSPECTIVE COMMISSIONERS J. CARLTON COLE, MICHAEL K. ALFORD, THOMAS M. HAISLIP, JR., – Pursuant to NCGS §138A-15(c), any actual or potential conflict of interest by a public servant sitting on a board and cited by the Ethics Commission under NCGS 138A-24(e) is required to be read into the minutes of the applicable board. Read into the Minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2021 Statements of Economic Interest for J. Carlton Cole, Michael K. Alford, Thomas M. Haislip, Jr., Governor Appointees – *Margo Minkler*

APPROVAL OF OCTOBER 28, 2021 MEETING MINUTES – Take action on the October 28, 2021 Wildlife Resources Commission meeting minutes as written in the exhibit. (**EXHIBIT B**)

FINANCIAL STATUS REPORT – Receive Financial Status Report on the Wildlife Resources Commission General Fund, Capital Improvement Fund, and the Endowment Fund. – *Dr. DP Singla, Chief Financial Officer (EXHIBIT C)*

SPECIAL PRESENTATIONS

SPECIAL RECOGNITION – 2021 NATIONAL ARCHERY IN THE SCHOOLS PROGRAM (NASP) NATIONAL FEMALE CHAMPION – Special Recognition of Natalie Bell the 2021 NASP National Female Champion – *Cameron Ingram, Executive Director*

2020 NORTH CAROLINA WILD TURKEY FEDERATION OFFICER OF THE YEAR AWARD – Present the North Carolina Wild Turkey Federation Officer of the Year Award to Master Officer Nathan Cox – *Howard Rumfelt, President of the NC State Chapter of the National Wild Turkey Federation*

2021 NORTH CAROLINA WILD TURKEY FEDERATION OFFICER OF THE YEAR – Present the North Carolina Wild Turkey Federation Officer of the Year Award to Senior Officer Jenrette Springs – *Howard Rumfelt*

2021 NORTH CAROLINA WILDLIFE FEDERATION CONSERVATIONIST OF THE YEAR AWARD – Present the 2021 North Carolina Wildlife Federation Conservationist of The Year Award to Dr. Matthew Godfrey – *Tim Gestwicki, CEO, NC Wildlife Federation*

Break for Photographs

COMMITTEE MEETING REPORTS

Boating Safety Committee Report – December 8, 2021 – *John Coley, Chair*

Migratory Birds and Waterfowl Committee Report – December 8, 2021 – *John Coley, Chair*

Big Game Committee Report – December 8, 2021 – *David Hoyle, Chair*

Land Acquisitions and Property Committee Report – December 8, 2021 – *Tom Berry, Chair*

Fisheries Committee Report – December 8, 2021 – *John Stone, Chair*

Committee of the Whole Report – December 8, 2021 – *Monty Crump, Chair*

AGENCY SPOTLIGHT – GAME LAND MANAGEMENT – *Chris Jordan, Game Lands and Forest Resources Manager*

LAND ACQUISITION AND PROPERTY MATTERS

Phase II Land Acquisitions – Consider final approval to proceed with acquisition of the following properties – *Brian McRae, Land and Water Access Division (EXHIBIT D)*

- Rash Tract – Ashe County **(EXHIBIT D)**

RULEMAKING

Permanent Rulemaking Adoption – 15A NCAC 10H .1601 – Controlled Rabbit Hunting Preserves – Review public comments and consider request to adopt rules for Controlled Rabbit Hunting Preserves – *Brad Howard, Wildlife Management Division Chief* (EXHIBITS E-1, E-2)

Permanent Rulemaking Readoption – Hunting & Trapping – Review public comments and consider request to readopt 10B .0100, .0200, .0300, and .0400 rules – *Brad Howard* (EXHIBITS F-1, F-2)

Permanent Rulemaking Readoption – Inland Fishing General Regulations – Review public comments and consider request to readopt 10C .0200 rules – *Christian Waters, Inland Fisheries Division Chief* (EXHIBITS G-1, G-2)

Permanent Rulemaking Notice of Text – Inland Fishing Regulations – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed changes to joint 10C .0100 rules, 10C .0300 and 10C .0400 rules for inland waters and adopt new 10C .0700 and 10C .0800 rules to provide clarity on inland game fish and hook and line fishing in joint and coastal waters. Review and consider approval of fiscal notes for proposed rule changes – *Christian Waters* (EXHIBITS H-1, H-2, H-3)

WATER SAFETY RULEMAKING

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0317 Stanly County – Consider application from Morrow Mountain State Park in Stanly County for approval to publish Notice of Text in the *NC Register*, hold one public hearing, and open the public comment period for a proposed amendment to 15A NCAC 10F .0317, for a no-wake zone within 50 yards of the shoreline on Lake Tillery at Morrow Mountain State Park. Consider technical changes to itemize Boating Access Areas in Stanly County on Badin Lake, Lake Tillery, and Tuckertown Reservoir and to make revisions that designate responsibility for placement and/or maintenance of no-wake markers. Review and consider approval of fiscal notes for proposed rule changes – *Betsy Haywood, Water Safety Rules Coordinator* (EXHIBITS I-1, I-2)

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0323 Burke County – Consider application from Lake James State Park for approval to publish Notice of Text in the *NC Register*, hold one public hearing, and open the public comment period for a proposed amendment to 15A NCAC 10F .0323, for a no-wake zone shore to shore within 50 yards northwest and southeast of the Cove bridge at Mills Creek on Lake James. Incorporate existing Paddy's Creek Swim Area at Lake James State Park, where vessel entry is prohibited, into the North Carolina Administrative Code. Consider technical change under 15A NCAC 10F .0323(b) for regulation of vessel speed in those areas codified in the North Carolina Administrative Code as described in Paragraph (a) of the Rule. Review and consider approval of the Fiscal Note for the proposed Rule changes – *Betsy Haywood* (EXHIBITS J-1, J-2)

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0354 Pitt County, City of Greenville – Consider application from the City of Greenville for approval to publish Notice of Text in the *NC Register*, hold one public hearing, and open the public comment period for a proposed amendment to 15A NCAC 10F .0354, for a no-wake zone shore to shore in the waters of Barber Lake at Wildwood Park. Review and consider approval of fiscal notes for proposed rule changes – *Betsy Haywood (EXHIBITS K-1, K-2)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0378 Halifax County – Consider application from Halifax County to publish Notice of Text in the *NC Register*, hold one public hearing, and open the public comment period for a Rule under 15A NCAC 10F .0378, to establish a no-wake zone 50 yards north and south of the abandoned railroad trestle where Deep Creek meets Roanoke Rapids Lake in Roanoke Rapids. Review and consider approval of fiscal notes for proposed rule changes – *Betsy Haywood (EXHIBITS L-1, L-2)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0327 Montgomery County – Consider approval to publish Notice of Text in the *NC Register*, hold one public hearing and open the public comment period for removal of amendment (a)(1)(A) on Badin Lake in the cove west of Lakeshore Drive and east of Strand Drive. Consider technical changes to itemize Boating Access Areas in Montgomery County on Badin Lake, Lake Tillery, and Tuckertown Reservoir and to make revisions that designate responsibility for placement and/or maintenance of no-wake markers – *Betsy Haywood (EXHIBIT M)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0333 Lake Wylie – Consider application from the Lake Wylie Marine Commission to approve publishing Notice of Text in the *NC Register*, hold one public hearing and open the public comment period for a proposed amendment to 15A NCAC 10F .0333, for a no-wake zone shore to shore in the portion of Brown’s Cove where the cove makes a sharp bend north and east of 9500 Windy Gap Road – *Betsy Haywood (EXHIBIT N)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0336 Northampton and Warren counties – Consider proposal to approve publishing Notice of Text in the *NC Register* with one public hearing and open comment period, to combine amendments currently in 15A NCAC 10F .0318 for Warren County on Lake Gaston into 15A NCAC 10F .0336. Consider technical changes to itemize all Boating Access Areas on Lake Gaston and the Roanoke River in Northampton and Warren counties. Consider removal of general Speed Limit language that predates the North Carolina Administrative Procedure Act, that appears to create no-wake zones at certain facilities on Lake James without rulemaking and without statutory authority and is not enforceable – *Betsy Haywood (EXHIBIT O)*

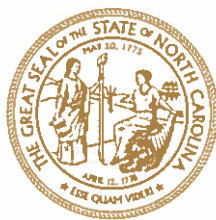
Permanent Rulemaking Notice of Text – 15A NCAC 10F .0318 Warren County – Consider proposal to approve publishing Notice of Text in the *NC Register* with one public hearing and open comment period to repeal 15A NCAC 10F .0318 Warren County and remove it from the North Carolina Administrative Code – *Betsy Haywood (EXHIBIT P)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0312 Henderson County, Summit Lake – Consider proposal to approve publishing Notice of Text in the *NC Register* with one public hearing and open comment period to repeal 15A NCAC 10F .0312, Summit Lake in Henderson County, and remove it from the North Carolina Administrative Code – *Betsy Haywood (EXHIBIT Q)*

COMMENTS BY THE CHAIRMAN – *Chairman Crump*

COMMENTS BY THE EXECUTIVE DIRECTOR – *Executive Director Ingram*

ADJOURN



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

October 7, 2021

Mr. Hayden A. Rogers

Dear Hayden:

I am pleased to reappoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your reappointment is effective immediately. Your term will expire on June 30, 2025.

Your board or commission is covered by the State Ethics Act. As a result, please remember that you must participate in ethics training every two years, and you are required to file a Statement of Economic Interest by April 15 of each year.

Thank you for continuing to serve the people of North Carolina. I am grateful that you are willing to give your time and talents to move North Carolina forward.

Please read the enclosed instructions carefully so that we may complete the reappointment process. If you have any questions, contact the Office of Boards and Commissions at (919) 814-2077.

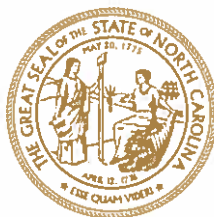
With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Cam Ingram



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

October 7, 2021

The Honorable J. Carlton Cole



Dear J.C.:

I am pleased to appoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your appointment is effective immediately. Your term will expire on June 30, 2025.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Cam Ingram



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

October 7, 2021

Mr. Michael K. Alford



Dear Mike:

I am pleased to appoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your appointment is effective immediately. Your term will expire on June 30, 2027.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

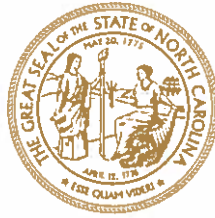
With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Cam Ingram

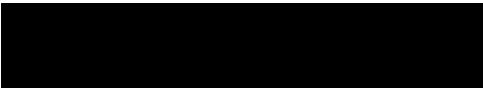


STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

October 7, 2021

Mr. Thomas Mitchel Haislip, Jr.



Dear Tom:

I am pleased to appoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your appointment is effective immediately. Your term will expire on June 30, 2027.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

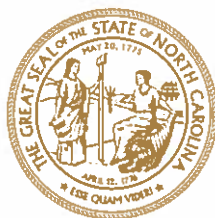
With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Cam Ingram



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

ROY COOPER
GOVERNOR

October 7, 2021

Mr. David Hoyle Jr.

Dear David:

I am pleased to reappoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your reappointment is effective immediately. Your term will expire on June 30, 2027.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Cam Ingram

EXHIBIT B
December 9, 2021



MINUTES
October 28, 2021
N.C. Wildlife Resources Commission Webinar Meeting
Raleigh, North Carolina

Pursuant to North Carolina General Statute (NCGS) §166A-19.20 (Public Bodies/Remote Meetings During Declared Emergencies), the October 28, 2021 N.C. Wildlife Resources Commission (NCWRC) webinar meeting was called to order by Commission Chairman Monty Crump at 9:00 a.m.

Chairman Crump announced that the webinar meeting audio is being streamed live and will be available on the NCWRC's website. He reminded Commissioners to speak their names before making motions or comments and to mute their devices when not speaking. Crump announced that by the statutory requirement, the roll will be called for attendance and for each vote.

MANDATORY ETHICS INQUIRY

Chairman Crump advised the Commission of the mandatory ethics inquiry as mandated in NCGS §138A-15.

ROLL CALL

Margo Minkler, *Commission Liaison*, called the roll.

COMMISSIONER ATTENDANCE

Monty Crump	Thomas Fonville	Landon Zimmer
David Hoyle	Wes Seegars	Hayden Rogers
John Coley	Mark Craig	John Stone
Tom Berry	Brad Stanback	John Alexander
Jim Ruffin	Ray Clifton	
Kelly Davis	Steve Windham	

NOTICES OF COMMISSION APPOINTMENTS

The Commission received into the minutes the Notices of Appointments by Senate President Pro Tempore Phil Berger of John M. Alexander, Jr., Mark Craig, Landon G. Zimmer, and Thomas “Tom” Berry for terms ending June 30, 2023; and Appointments by House Speaker Tim Moore of Vernon Ray Clifton, Jr., John A. Stone, John T. Coley, IV, and Tommy Fonville for terms ending June 30, 2023. **(EXHIBIT A)**

Exhibit A is incorporated into the official record of this meeting.

RECEIVE STATE ETHICS COMMISSION REVIEWS OF 2021 STATEMENT OF ECONOMIC INTEREST FOR PROSPECTIVE COMMISSIONER JOHN M. ALEXANDER, JR. – Pursuant to NCGS §138A-15(c), Margo Minkler, Ethics Liaison, read into the Minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2021 Statement of Economic Interest for John M. Alexander, Jr., President Pro Tempore Appointee.

MINUTES OF AUGUST 26, 2021 MEETING

With John Alexander abstaining, on a motion by David Hoyle and a second by Wes Seegars, the Minutes of the August 26, 2021 meeting were approved as presented in **Exhibit B**.

Exhibit B is incorporated into the official record of this meeting.

ADMINISTRATION

Dr. DP Singla, Chief Financial Officer, presented a status report in **Exhibit C** on the Wildlife Operating Fund and Capital Improvement Fund.

Exhibit C is incorporated into the official record of this meeting.

COMMITTEE MEETING REPORTS

Land Acquisitions and Property Committee Report – September 20, 2021 – *Tom Berry, Chair*, reported the Land Acquisitions and Property Committee met on September 20th, 2021. The Land Acquisition and Property Committee conducted an out-of-cycle meeting to further review an easement request at Needmore Game Land. After careful consideration, the Committee endorsed this request with the addition of specific restrictions for the easement. This recommendation will be presented to the Commission for approval.

Habitat, Nongame, Endangered Species Committee Report – October 27, 2021– *Mark Craig, Chair*, reported the Habitat, Nongame, Endangered Species Committee met on October 27th, 2021. The meeting began with two presentations from biologists with the terrestrial and aquatic Wildlife Diversity programs. Dr. Matthew Godfrey, the Sea Turtle Biologist for the Wildlife Management Division, presented information on sea turtle management and conservation in North Carolina. North Carolina’s 300+ mile long coast, its sounds, and the Atlantic Ocean off our coast provide optimal nesting and foraging habitat for sea turtles, all of which are currently federally listed. Partners and thousands of volunteers help monitor

and conduct research on nests, eggs, and adults. Genetic analyses of egg tissue identify individual female loggerhead sea turtles and have helped determine that the population is truly growing, that some females select the same beach for nesting during a season while others range more than 1000 km (~ 625 miles) among beaches, and one female they've tracked is 80 years old but still nesting successfully. Research has also determined that juveniles and breeding adults are the most important cohorts to protect to keep the population growing. Mr. Michael Fisk, the Eastern Region Aquatic Wildlife Diversity Research Coordinator, summarized conservation efforts for the Carolina Madtom, a small member of the Catfish Family found only in the Neuse and Tar River basins in North Carolina. Research has shown that the Carolina Madtom is declining in both distribution and abundance. The species now exists in small, fragmented populations which have low genetic diversity. Due to this significant decline, the Carolina Madtom was listed as endangered by the U.S. Fish and Wildlife Service in 2021. Threats to the species include poor water quality, habitat degradation, and predation by Flathead Catfish. To offset these declines, Commission staff have teamed with Conservation Fisheries, Inc. to propagate the Carolina Madtom. Propagated individuals will be used to augment existing populations as well as possibly establishing new populations in the future. Lastly, Mr. Todd Ewing presented a proposal to the Committee to augment existing populations of the Carolina Madtom in Little Fishing Creek, Fishing Creek, Swift Creek, and Sandy Creek watersheds within the Tar River basin. The Committee approved this proposal.

Education and Communication Committee Report – October 27, 2021 – *Kelly Davis, Chair*, reported the Education and Communication Committee met on October 27th, 2021. The Committee presented an overview of the successful efforts to date to reduce expenditures and increase revenue for Wildlife in North Carolina's magazine. An update was given on the work underway to improve the agency's website for a better user experience and enhanced accessibility along with work on a complete redesign. The committee also received an update on the work of the Pathway to Wildlife Relevancy Project and staff efforts align programming with the R3 plan. In addition, the committee received an update on the Pisgah Center for Wildlife Education. Two options for the future of the Pisgah Center are as follows:

- **Options 1:** Reopen as a visitor center with a walk-through trout display and restrooms. Most education opportunities would move off-site.
- **Options 2:** Demolish the main education center building and restrooms allowing for raceway expansion to increase trout production and the relocation of hatchery infrastructure that could potentially mitigate future flooding risk. Hatchery education programs would continue however other programs would move off-site.

The committee selected Option 2 to recommend to the full Commission for a vote.

Motion from Education and Communication Committee- On a motion by Jim Ruffin and second by Tom Berry, the Commission approved a plan to demolish the Pisgah Center for Wildlife Education's main building and adjacent restrooms due to damage received during Tropical Storm Fred and directed Executive Director Ingram to develop and implement a new educational model that utilizes existing Center staff to conduct programs across western North Carolina and to work with the Setzer Hatchery design team and US Forest Service personnel to explore increasing the footprint of the hatchery to gain efficiencies in operation and maximize production.

Finance, Audit and Compliance Committee Report – October 27, 2021 – *Landon Zimmer, Chair*, reported the Finance, Audit and Compliance Committee met on October 27th, 2021. The Audit and

Compliance presented two topics: Risk Assessments and the Self-Assessment and Maturity Model. Risk Assessments were developed by all WRC divisions and offices, 281 risks were identified, next steps will be a review by WRC management and presentation of results to the Committee. A Self-Assessment and Maturity Model overview was given to the Committee. The model is an assessment tool to be used by all NC internal audit functions to determine their level of compliance with the Institute of Internal Auditors International Professional Practices Framework. Chief Financial Officer (CFO) Dr. DP Singla presented a comparison of current and previous fiscal years for periods ending August 31st, 2021, showcasing both revenues and expenditures for the General and Capital Improvement funds. Explanations were provided for any variances more than one million dollars. Lastly, the Committee reviewed the Endowment Fund balances, Asset Allocation, and the rate of return. The Committee agreed to continue the transfer of funds from Bond Index Fund (BIF) to Equity Index Fund (EIF) in the amount of \$1,500,000 for 12 months starting in the month of November 2021 and will assess again next year in year 2022.

Motion from Finance, Audit and Compliance Committee – On a motion by Landon Zimmer and a second by John Coley, the Commission approved a motion to move \$1.5 million per month in the Endowment Fund’s Bond Index Fund to the Equity Index Fund for a period of twelve months beginning November 2021.

Joint Land Acquisitions and Property (LAP)/ Small Game Wild Turkey (SGWT) Committee Report – October 27, 2021 – *Tom Berry, LAP Chair and Jim Ruffin, SGWT Chair*, reported the Land Acquisitions and Property and Small Game Wild Turkey Committee met on October 27th, 2021. Both committees reviewed and endorsed three Phase I and two Phase II land acquisition projects. Additionally, the committees received an update on the new Game Land Parcel Analysis as well as the Small Game Focal area concept. Staff were directed to reach out to the 16 landowners with properties greater than 2,000 acres and inquire about the potential for acquisition. Lastly, staff were directed to provide distances from existing depots to these 16 properties, evaluate incorporating other public lands into the analysis, and prepare an out-of-cycle meeting to discuss next steps in relation to the Small Game Focal Area concept.

Joint Fisheries/Rules Committee Report – October 27, 2021 – *John Stone, Fisheries Chair and Wes Seegars, Rules Chair*, reported the Fisheries and Rules Committee met on October 27th, 2021. Inland Fisheries Division Chief Christian Waters provided a timeline of meetings and actions related to the delineation of waters and readoption of joint rules and described disputes with the Division of Marine Fisheries and Marine Fisheries Commission. He then summarized proposed rule changes for updating and readopting or repealing joint rules to meet the requirements for the Periodic Review of Rules. In addition, he proposed amending existing rules and developing new rules to reaffirm and clarify the Commission’s authority to regulate specific inland game fishes in all Public Fishing Waters and all fishes in Joint Fishing Waters when caught by hook and line. Chief Deputy Director Kyle Briggs outlined the next steps for these rule proposals. At December Commission meeting, staff will present rule text and associated fiscal note for readopting joint rules and for reaffirming the Commission’s authority in joint fishing waters. Approval will be requested to publish Notice of Text, open the comment period, and conduct a public hearing. Staff will also present proposed changes to boundary lines for Inland and Coastal Fishing Waters to the Fisheries and Rules committees for initial consideration. A motion was made and approved by the Fisheries Committee in support of the rulemaking approach as proposed to address joint rules and delineation of waters. Kyle provided an update on recovery efforts at the Setzer

State Fish Hatchery following the flooding from Tropical Storm Fred. Through the hard work and dedication of David Deaton, Adam Moticak, and hatchery staff, enough trout have been obtained from other state, federal, and private hatcheries to fulfill stocking obligations for this fall and next spring. Kyle mentioned that many of the fish will be Rainbow Trout because the species is most readily available. While the trout stocked will be at least 10 inches in length, the percentage of larger fish (14 inch or larger) will likely be reduced. Christian added that there is very small buffer to address any further disruptions in trout production.

Committee of the Whole Report – October 27, 2021 – *Monty Crump, Chair*, reported the Committee of the Whole Committee met on October 27th, 2021. The Committee reviewed proposed rules for inland fisheries, wildlife management, land and water access, rehabilitation and license fees, and safety equipment that will be voted on later in the meeting. An update on agency plans to hold 3 regional and 1 virtual January public hearings for the 2022-2023 rule proposals. Director Ingram presented the proposed 2022 Wildlife Resources Commission meeting schedule. Another update on the 2020-2021 Commission research report from Dr. David Cobb. Finally, the Committee voted to award the Thomas L. Quay Wildlife Diversity Award to an individual, whom they hope to honor in person in December or next February.

AGENCY SPOTLIGHT – Overview of the Capital Projects Program and an Updated Project List
– *Brad Kleinmaier, Capital Projects Coordinator*

The agency spotlight covered an Overview of the Capital Projects Program and was presented by Brad Kleinmaier, WRC's Capital Projects Coordinator. The presentation focused on what projects are considered Capital Improvements under NC General Statutes, as well as the procedures for establishing and completing these projects. During the presentation several recently completed and current projects were presented, and future projects were discussed.

LAND AND WATER ACCESS DIVISION

Land Acquisitions and Property Matters

Phase II Land Acquisitions – On a motion by Tom Berry and second by Brad Stanback, the Commission approved the acquisition of the following property presented in **EXHIBITS D-1 and D-2** by *Brian McRae, Land and Water Access Division Chief*:

- SME Tracts – Ashe County (**EXHIBIT D-1**)
- Warren Tract – Halifax County (**EXHIBIT D-2**)

Other Property Matters – On a motion by Tom Berry and second by David Hoyle, the Commission approved staff recommendations for other property matters presented in **EXHIBIT E** by *Brian McRae*:

- Perrigo Easement Request – Consider conveyance of an easement at Needmore Game Land to a private property owner (**EXHIBIT E**)

Exhibits D-1, D-2, and E are incorporated into the official record of this meeting.

RULEMAKING

Permanent Rulemaking Notice of Text – 2022-2023 Annual Cycle Rules – Land and Water Access – With the exclusion of Proposal #12 listed in the package as 15A NCAC 10D .0211, on a motion by David Hoyle and second by Steve Windham, The Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearings for proposed changes to land and water access rules presented in **EXHIBIT F-1** by *Brian McRae*.

On a motion by David Hoyle and second by Wes Seegars, the Commission approved the Fiscal Note presented in **Exhibit F-2** by *Brian McRae*.

Exhibits F-1 and F-2 are incorporated into the official record of this meeting.

Permanent Rulemaking Notice of Text – 2022-2023 Annual Cycle Rules – Wildlife Management – On a motion by Wes Seegars and second by David Hoyle, the Commission approved the Fiscal Note and publishing Notice of Text in the *NC Register* with an open comment period and public hearings for proposed changes to wildlife management rules presented in **EXHIBITS G-1 and G-2** by *Brad Howard, Wildlife Management Division Chief*.

Exhibits G-1 and G-2 are incorporated into the official record of this meeting.

Permanent Rulemaking Notice of Text – 2022-2023 Annual Cycle Rules – Rehabilitation & License Fees – On a motion by David Hoyle and second by Landon Zimmer, the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearings for proposed changes to rehabilitation and license fee rules presented in **EXHIBIT H** by *Daron Barnes, Office of Wildlife Interaction, Regulation Activities and Permits Program Manager*.

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

Permanent Rulemaking Notice of Text – 2022-2023 Annual Cycle Rules – Inland Fisheries – On a motion by David Hoyle and second by Landon Zimmer, the Commission approved the Fiscal Note and publishing Notice of Text in the *NC Register* with an open comment period and public hearings for proposed changes to inland fisheries rules presented in **EXHIBITS I-1 and I-2** by *Christian Waters, Inland Fisheries Division Chief*.

Exhibits I-1 and I-2 are incorporated into the official record of this meeting.

Temporary Rulemaking Adoption – 15A NCAC 10C .0314 Striped Bass – On a motion by Tom Berry and second by Jim Ruffin, the Commission reviewed public comments and adopted temporary changes to the Striped Bass Rule presented in **EXHIBITS J-1 and J-2** by *Christian Waters, Inland Fisheries Division Chief*.

Exhibits J-1 and J-2 are incorporated into the official record of this meeting.

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0201 Safety Equipment – On a motion by David Hoyle and second by John Coley, the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and virtual public hearing for proposed changes to safety equipment rule presented in **EXHIBIT K** by *Ben Meyer, Law Enforcement Division, Major of Administration*.

Exhibit K is incorporated into the official record of this meeting.

2022 WILDLIFE RESOURCES COMMISSION MEETING SCHEDULE – On a motion by Steve Windham and a second by Tom Berry, the Commission approved the proposed 2022 Wildlife Resources Commission meeting schedule presented in **EXHIBIT L** by *Cameron Ingram, Executive Director*.

Exhibit L is incorporated into the official record of this meeting.

COMMENTS FROM THE CHAIRMAN

Chairman Crump thanked everyone for their participation in the lengthy meeting with a lot of rule text to review. He shared his appreciation for how staff set up their presentations, so it was easy to follow and understand. Lastly, he announced the agency started selling discounted lifetime licenses for ages 50 or older last week and the initial statistics, without marketing yet, show a lot of interest in these licenses.

COMMENTS FROM THE EXECUTIVE DIRECTOR

Executive Director Ingram thanked Chairman Crump, Vice Chairman Fonville, and all of the Commissioners and staff who assisted in organizing the new Commissioner Orientation. He also acknowledged the following outstanding employees who recently received awards: Tony Wait received the NC Governor's Award for Excellence, Safety and Heroism Category, Lori Williams received the Southeastern Association of Fish and Wildlife Agencies 2021 Wildlife Biologist of the Year, and Chad Thomas received the Southeastern Association of Fish and Wildlife Agencies 2021 Fisheries Biologist of the Year.

ADJOURNMENT

There being no further business, the WRC webinar meeting was adjourned at 10:12 a.m. All exhibits are incorporated into the official record of this meeting by reference and are filed with the minutes.

Monty Crump, Chairman

Date

NCWRC Webinar Meeting
October 28, 2021
Minutes

Cameron Ingram, Executive Director

Date

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
CAFR 52G - STATEMENT OF REVENUES, EXPENDITURES and CHANGES in FUND BALANCES

GOVERNMENTAL FUNDS
AS OF OCT 31, 2021

	FY 2022 General Fund	FY 2022 Capital Improvement Fund
REVENUES		
Federal funds	\$ 11,239,577.37	\$ 4,536,589.00
Local funds	\$ 1,301.54	\$ -
Investment earnings	\$ 7,354.53	\$ -
Sales and services	\$ 3,821,465.51	\$ -
Rental and lease of property	\$ 17,622.40	\$ -
Fees, licenses and fines	\$ 15,675,854.45	\$ -
Contributions, gifts and grants	\$ 567,236.83	\$ 3,836,657.69
Miscellaneous	\$ 29,422.50	\$ 32,100.00
Unclassified/invalid accounts	\$ 5,477.00	\$ -
Other Financing Sources - Sale of capital assets	\$ 305,398.28	\$ -
Other Financing Sources - Insurance recoveries	\$ 97,738.57	\$ -
Other Financing Sources - Transfers in	\$ 1,060,420.13	\$ 1,491,885.28
Other Financing Sources - Appropriations	\$ 3,952,864.00	\$ -
TOTAL REVENUES	\$ 36,781,733.11	\$ 9,897,231.97
EXPENDITURES		
Personal services	\$ 12,178,585.80	\$ -
Employee benefits	\$ 5,361,097.30	\$ -
Contracted personal services	\$ 4,794,651.28	\$ 84,651.64
Supplies and materials	\$ 2,805,931.94	\$ -
Travel	\$ 135,904.20	\$ -
Communication	\$ 633,081.32	\$ -
Utilities	\$ 228,547.29	\$ -
Data processing services	\$ 277,678.14	\$ -
Other services	\$ 1,640,343.16	\$ -
Claims and benefits	\$ 487,463.17	\$ -
Other fixed charges	\$ 90,439.45	\$ 750.00
Capital outlay	\$ 2,793,550.28	\$ 10,666,859.12
Grants, state aid and subsidies	\$ 901,528.89	\$ -
Insurance and bonding	\$ 14,620.26	\$ -
Other expenditures	\$ 768,640.24	\$ -
Reimbursements	\$ (111,617.88)	\$ -
Unclassified/invalid accounts	\$ 29,625.16	\$ -
Other Financing (Uses) - Transfers out	\$ 4,618,102.00	\$ 241,693.28
TOTAL EXPENDITURES	\$ 37,648,172.00	\$ 10,993,954.04
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ (866,438.89)	\$ (1,096,722.07)
FUND BALANCE - JULY 1, 2021	\$ 20,789,069.62	\$ 2,306,519.38
FUND BALANCE - OCT 31, 2021	\$ 19,922,630.73	\$ 1,209,797.31

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

ENDOWMENT PORTFOLIO

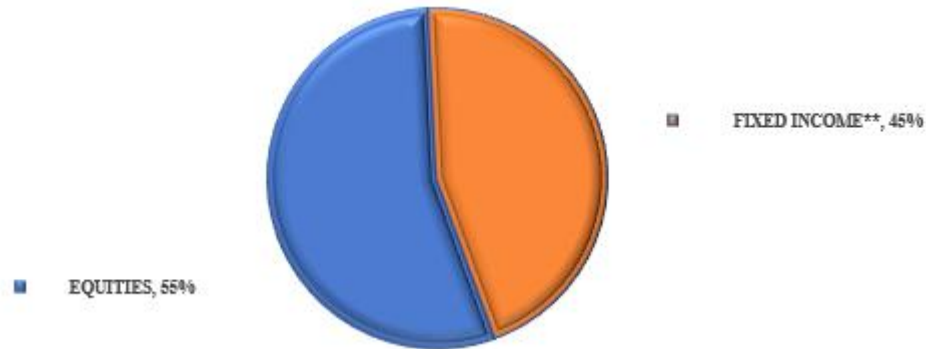
Fund Balance*: Oct 2021 \$171,126,699.06

* Based On Financial Institutions' Data And Does Not Include Time-Lag Entries.

§ 143-250.1. Wildlife Endowment Fund

- (d) (3). No expenditure or disbursement shall be made from the principal of the Wildlife Endowment Fund except as otherwise provided by law.
- (d) (4). The income received and accruing from the investments of the Wildlife Endowment Fund must be spent only in furthering the conservation of wildlife resources and the efficient operation of the North Carolina Wildlife Resources Commission in accomplishing the purposes of the agency as set forth in G.S. 143-239.
- (g) The Wildlife Endowment Fund and the investment income therefrom shall not take the place of State appropriations or Agency receipts placed in the Wildlife Resources Fund, or any part thereof, but any portion of the income of the Wildlife Endowment Fund available for the purpose set out in subdivision (4) of subsection (d) shall be used to supplement other income of and appropriations to the Wildlife Resources Commission to the end that the Commission may improve and increase its services and become more useful to a greater number of people.

ASSET ALLOCATION



** Fixed Income Includes Short-Term And Long-Term Fixed Income Instruments

Fund	Principal	Non-Expendable	Expendable	Total***
Adult Lifetime Licenses	\$ 67,804,087.40		\$ 63,621,856.47	\$ 131,425,943.87
Magazine Subs Lifetime	\$ 1,573,477.50		\$ 1,659,666.65	\$ 3,233,144.15
Contributions	\$ 685,337.82		\$ 2,610,331.47	\$ 3,295,669.29
Diversity	\$ 38,433.29		\$ 12,494.87	\$ 50,928.16
Infant Lifetime Licenses	\$ 19,111,106.50	\$ 10,662,622.72		\$ 29,773,729.22
Youth Lifetime Licenses	\$ 2,537,265.00	\$ 827,186.87		\$ 3,364,451.87
Total	\$ 91,749,707.51	\$ 11,489,809.59	\$ 67,904,349.46	\$ 171,143,866.56

*** Include Deposit/s In Transit

Exhibit D

December 9, 2021

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Rash Tract

WRC Action/Approval to Pursue (Date): N/A

Acquisition Plan (specify total project costs AND sources of funding):

Donation from Blue Ridge Conservancy

Acquisition Plan Includes Bargain Sale? ☐ Yes ☐ No ☒ N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? ☐ Yes ☐ No ☒ N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

Appraisal Handled by State Property Office? ☐ Yes ☐ No ☒ N/A

Source(s) of Stewardship Funds (indicate federal:state match rates):

Five-Year Stewardship Costs & Revenue Projections (worksheet attached):

Total Stewardship Expenditures	\$ 7,200
Total Projected Revenue	\$

Exhibit D

December 9, 2021

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: RASH TRACT

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment	4,800	Feet	One Time	\$1.50	\$7,200
TOTAL					\$ 7,200

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				

December 9, 2021
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Paul Thompson
Date First Presented to Commission:	
Tract Name:	Rash, (Three Top Mountain GL)
County:	Ashe
Acreage:	90 acres
Tax Value:	
Property Owner/Representative:	
Phone:	
Email Address:	
Address:	

Primary Purpose:

<input checked="" type="checkbox"/>	Resource Protection
<input checked="" type="checkbox"/>	Resource Management
<input type="checkbox"/>	User Access
<input type="checkbox"/>	WRC Facility

Type of Acquisition:

<input checked="" type="checkbox"/>	Purchase
<input type="checkbox"/>	Lease
<input type="checkbox"/>	Easement

Grant Potential:

<input type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input type="checkbox"/>	Endowment
<input type="checkbox"/>	Other

Tax Value:

<input type="checkbox"/>	Year Assessed
<input type="checkbox"/>	PUV?

Funding Considerations:

<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	Bargin Sale
<input type="checkbox"/>	Partner Contribution

Recommendation:

<input checked="" type="checkbox"/>	Pursue
<input type="checkbox"/>	Do Not Pursue
<input type="checkbox"/>	Defer

Program Potential:

<input checked="" type="checkbox"/>	Game Land
<input type="checkbox"/>	Wildlife Conservation Area
<input type="checkbox"/>	Access Area
<input type="checkbox"/>	None

Type of Parcel:

<input checked="" type="checkbox"/>	Tract
<input type="checkbox"/>	Riparian Corridor

Owner Interest:

<input checked="" type="checkbox"/>	High
<input type="checkbox"/>	Moderate
<input type="checkbox"/>	Low
<input type="checkbox"/>	No

Stewardship Considerations:

<input checked="" type="checkbox"/>	PR Source:
<input type="checkbox"/>	State Match:

Reviewed Appraisal & Purchase Requirements?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	N/A

Additional Comments:

Blue Ridge Conservancy has a purchase contract on the 90 acre Carl Rash property with a closing scheduled for mid January. BRC plans to submit a Land and Water Fund grant to cover 1/2 of the purchase price. This tract will be a donation and come to WRC at no cost. The tract adjoins current Three Top Mountain GL and the future 355 acre BRC donation known as Three Top Additions. This tract will be a great addition to Three Top Mountain GL for resource protection and solidifying WRC ownership in this area.

December 9, 2021

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Rash
County:	Ashe

Resources Assessment and Biological Benefits (brief):

The 90 acre tract consist primarily of Southern and Central Appalachian Oak Forest with remainder in Southern and Central Appalachian Cove Forest. The entire property is part of the Three Top Mountain Natural Area with several significant natural communities noted by Natural Heritage (both R and C ratings are "Exceptional"). SGCN have not been documented on the tract. Those SGCN likely found on the tract include ruffed grouse, box turtle, timber rattlesnake, wood thrush, worm-eating warbler, northern pygmy salamander, northern long-eared bat, tri-colored bat, and little brown bat. Although there is not much aquatic habitat directly on the subject properties, the runoff contributes to water quality in the New River system, which does have a number of SGCN. Hellbender and mudpuppy occur 5 to 10 river miles downstream from the property and likely closer. Acquiring the property will ensure another piece of the water quality puzzle for protecting the New River drainage. Common game species found on the tract include white-tailed deer, black bear, wild turkey, and gray squirrel. Management objectives will include protecting water quality, maintaining/restoring priority wildlife habitats, and continuing to provide public access and increased opportunity for hunting and other outdoor recreational activities.

Tract Name	Rash
Date	November 15, 2021
Staff Completing Form	Paul Thompson

Species	0.296
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	1
SGCN Species	1
Game Species	0

Comments
Moderate biodiversity is based on large abundance of closed canopy Appalachian oak forest. Only small, unnamed tributary streams are found on the property thus aquatic diversity is low. Neither rare species nor habitats have been documented on the tract.

Habitat	0.667
Size	1
Quality	2
Diversity	1
Rare/Important	2
Connectivity	3
Buffer	3

Comments
The quality of the habitat on the tract is good, but it's mostly closed canopy Appalachian oak forest with little diversity. The property has been noted by Natural Heritage to have several unique habitat communities. The property does provide good connectivity and buffer for these natural communities that are also found on Three Top Mountain GL.

Public Access	0.222
Hunting/Viewing	2
Fishing	0
Boating	0

Comments
This tract will provide a connection to other portions of land soon to be donated and enrolled into the game land. No significant water is located on the tract, so there no fishing/boating opportunity.

Wildlife Uses	0.333
Hunting	2
Viewing	2
Fishing	0
Boating	0
Education	1

Comments
The property offers good hunting and wildlife viewing opportunities. No significant water is located on the tract, so there is no fishing/boating opportunity.

Other Values	0.556
Timber Harvest	1
Local Economy	2
Quality of Life	2

Comments
The tract can produce good timber, but the value can only be considered low due accessibility and likely NHP dedication restrictions. There would be significant benefit to the local economy, especially if the Northern Peaks Trail is constructed.

Feasibility & Logistics	0.600
Existing Infrastructure	0
Compatibility of Multiple Uses on Tract	2
Compatibility with Adjoining Land	2
Inholding/Corridor	3
Proximity to Users	2

Comments
No infrastructure exists on this tract. The existence of multiple uses on the tract and the compatibility with adjoining land shouldn't create any issues. This tract will help solidify WRC ownership and become part of a large corridor at Three Top Mountain.

Restoration/Mitigation Potential	0.750
Species Restoration	2
Habitat Restoration	2
Access Improvement	2
Threat Mitigation	3

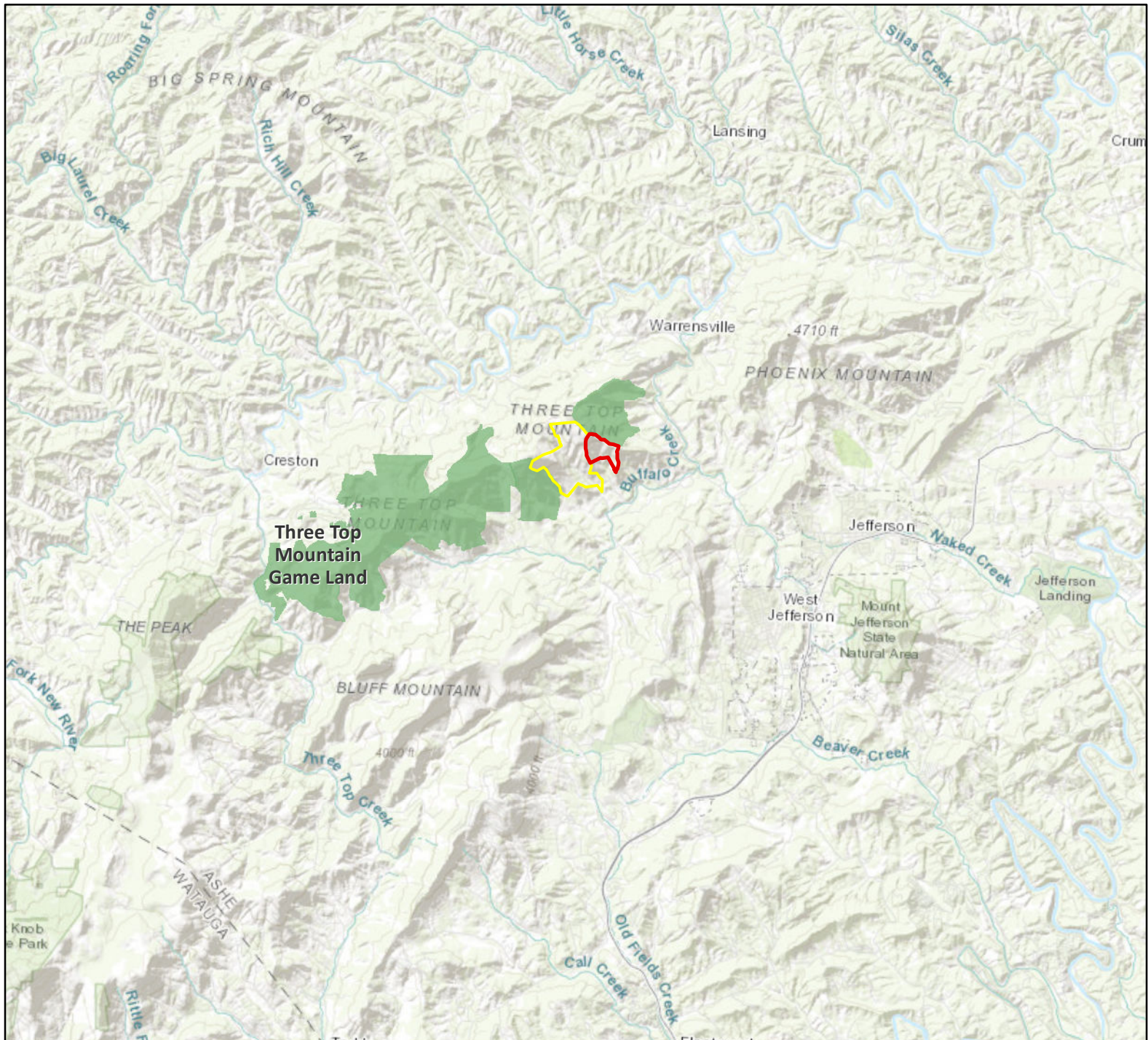
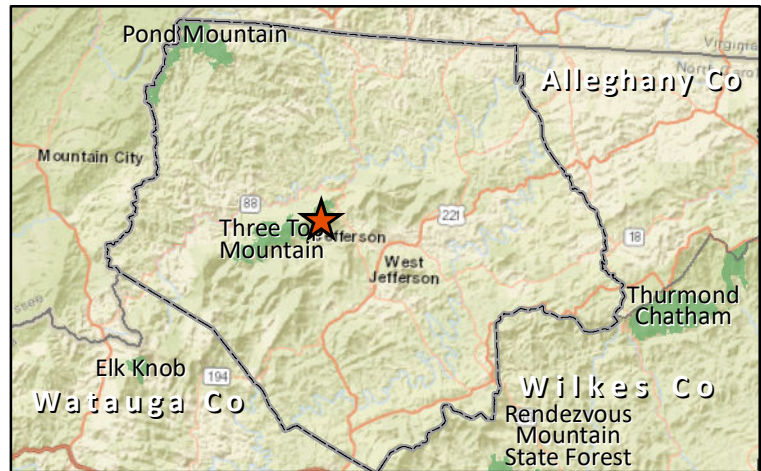
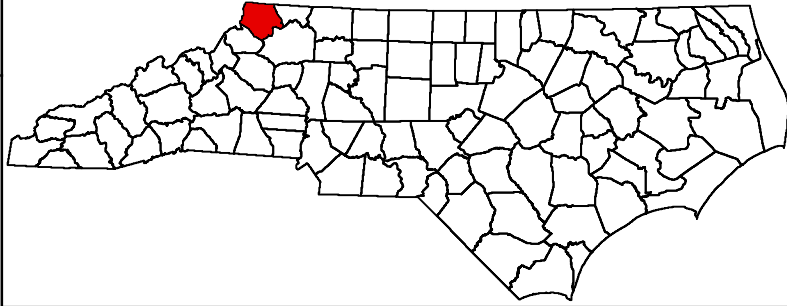
Comments
Restoration and maintenance of the habitats/species on the tract is good, thus the rank is moderate. This tract will ensure continued public access across the Three Top Mtn GL, thus the rank is high.

Threats	0.000
Number	0
Severity	0
Imminence	0
Manageability	0
Management Cost	0

Comments
Blue Ridge Conservancy has a purchase contract on this tract with a closing date in the near future, so threats should be avoidable.

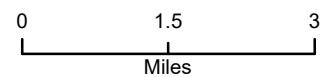
Overall Score	3.424
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Rash Tract Donation Ashe County 90 Acres

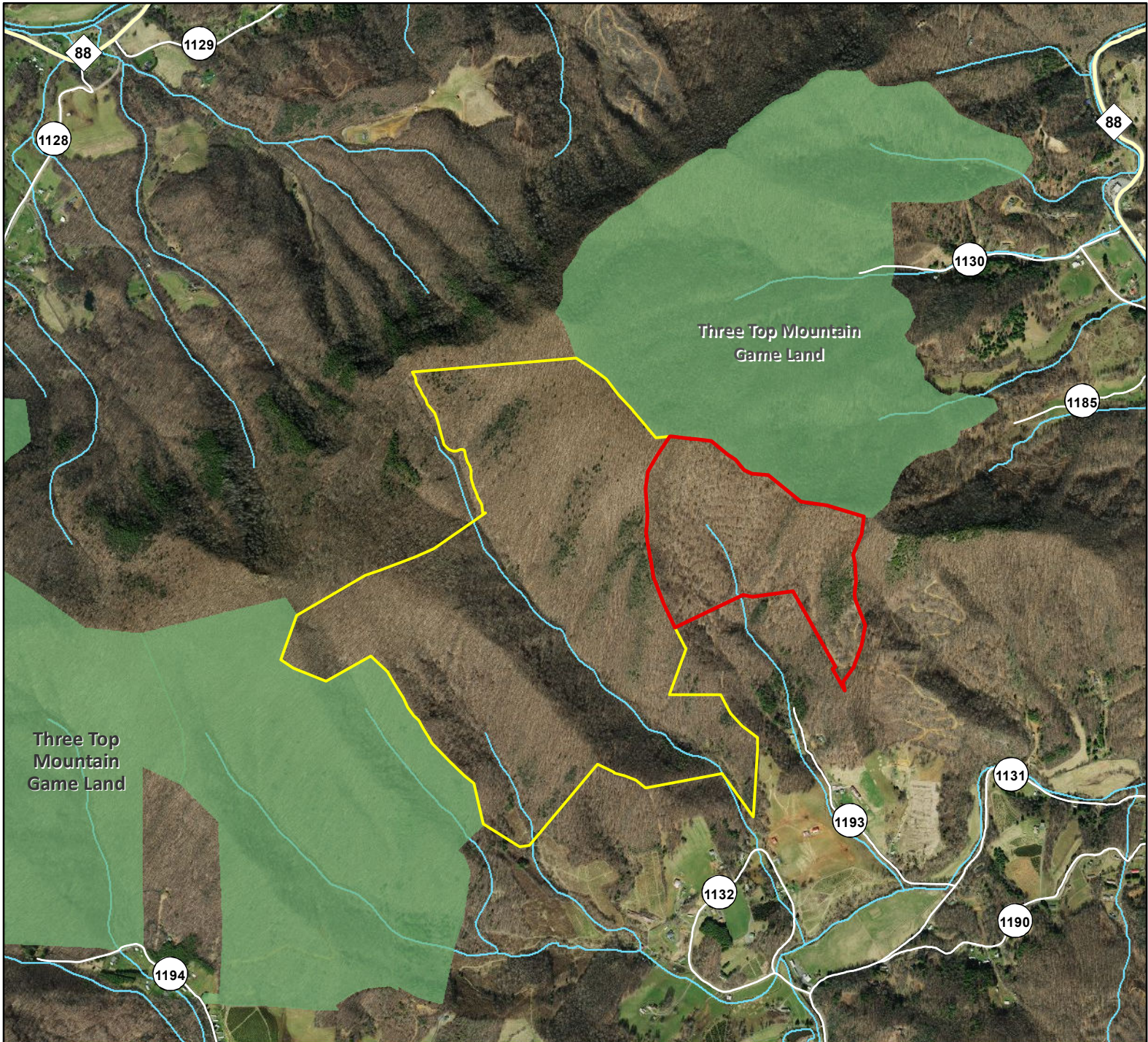
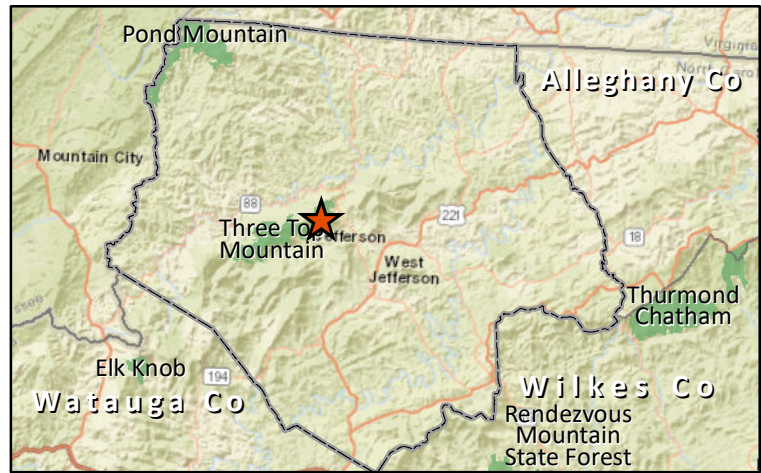
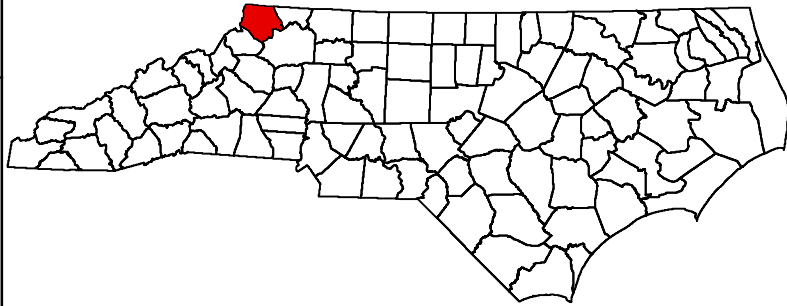


December 9, 2021

- Rash Tract
- Three Top East Addition (in the process of conveying to WRC)
- Game Land



Rash Tract Donation Ashe County 90 Acres



December 9, 2021

- Rash Tract
- Three Top East Addition (in the process of conveying to WRC)
- Game Land

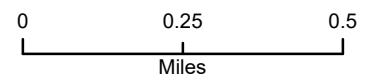


EXHIBIT E-1

December 9, 2021



Public Comments for 15A NCAC 10H .1601 Controlled Rabbit Hunting Preserves - Recommended by Agency Staff for Adoption

Position	Comment
Agree	N/A
Agree	<p>I agree, but have 2 comments/questions that need to be addressed in this proposal:</p> <p>1) What the does clause, "..., and species indistinguishable from these species." refer to? We stock San Juan rabbits in our puppy training pen. San Juans are a breed of domestic European rabbits (<i>Oryctolagus cuniculus</i>). To some untrained people they are indistinguishable from wild rabbits (brown rabbit). Do I still need a permit? I don't believe the WRC has jurisdiction over domestic rabbits.</p> <p>2)Need to insert a prohibition on mixing domestic European and wild rabbits in the same rabbit pen. RHDV2 disease is currently a high threat to NC's wild rabbit population. RHDV2 will likely enter NC via the domestic rabbit trade. The trade of domestic European rabbits used for training (Sand Juans, Tennessee Redbacks, etc.) is common in dog training. Mixing domestic and wild rabbits in close confinement will likely be the route for the disease to enter our wild population. There is no cure for RHDV</p>
Disagree	<p>I feel that that rabbit hunting preserves set up this way with wild rabbits being transferred across the state is a wild rabbit disease population disease transmission risk, especially with RHDV2 on the horizon. I think that this proposed rule should not go forward.</p>

One public hearing was held on October 26, 2021

EXHIBIT E-2

December 9, 2021



Proposed Rule 15A NCAC 10H .1601 Controlled Rabbit Hunting Preserves Recommended by Agency Staff for Adoption

G.S. 113-273(g) Controlled Hunting Preserve Operator License allows for the hunting of rabbits with dogs in enclosed areas. The proposed rule sets standards for the licensing and operation of controlled rabbit hunting preserves.

This rule establishes definitions, details controlled hunting preserve operator licenses applicant requirements, license requirements, reporting, and record-keeping requirements.

10H .1601 Controlled Rabbit Hunting Preserves (pg. 2-3)

The Agency proposes a new Section of the NCAC, 15A NCAC 10H .1600, to be titled SECTION .1600 CONTROLLED RABBIT HUNTING PRESERVES

15A NCAC 10H .1601 CONTROLLED RABBIT HUNTING PRESERVES

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

(b) For the purpose of this Rule, “wild rabbits” means eastern cottontail (*Sylvilagus floridanus*), Appalachian cottontail (*Sylvilagus obscurus*), marsh rabbits (*Sylvilagus palustris*), and species indistinguishable from these species.

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

- (1) take of wild rabbits shall be authorized year-round;
- (2) dogs shall be the only authorized manner of take;
- (3) 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.

(d) Any individual wanting to operate a controlled rabbit hunting preserve shall first obtain a controlled rabbit hunting preserve operator license from the Commission.

(e) One controlled hunting preserve operator license is required for each enclosure, except that one license is permitted for the same operator on properties not greater than 100 acres of contiguous acres of land regardless of the number of enclosures.

(f) Applicants for a controlled hunting preserve operator license shall show proof of ownership or lease of the land contained in the proposed controlled rabbit hunting preserve.

(g) Application for a controlled rabbit hunting preserve operator license shall be made online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

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

(h) License holders shall keep an accurate record of all rabbits released into or removed from the preserve on a form provided by the Commission. 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 applicable hunting license number of the individual that provided the rabbits to the preserve.

(i) Records required in Paragraph (h) of this Rule shall be:

- (1) available for inspection by representatives of the Commission upon request; and
- (2) submitted to and received by the Commission annually by May 1.

(j) In accordance with season and bag limits in Rule 10B .0207, rabbits may be box trapped inside an enclosure and moved between enclosures with a valid controlled rabbit hunting preserve operator license or valid hunting license.

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

(l) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled rabbit hunting preserve operator license, provided the rules in this Section regarding establishment of such areas have been complied with.

(m) 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.

History Note: *Authority G.S. 113-134; 113-273(g); 113-276(k);*
Eff. February 1, 2022.

EXHIBIT F-1

December 9, 2021



Public Comments for 15A NCAC 10B .0100, .0200, and .0301 Hunting & Trapping Rules

Position	Comment
Disagree	<p>First I have problems with the rewrite of the rule dealing with the regulation of hunting pheasants in North Carolina.</p> <p>Second I think the proposed language for the elk rule should be improved and clarified further than is proposed.</p> <p>(Please see attached for full comment)</p>
Disagree	<p>For the proposed importation of Grey Foxes, I disagree with the proposed importation. The counties listed in the proposal in my opinion have a already low population of small game (other than squirrel). I don't understand why we would propose to bring in even more predators. If Turkey and Deer population were as low as the rabbit and quail we would not have a season. Also why would there be a proposal to bring into the counties grey foxes if there is currently a season on Fox. If the numbers are that low that they need to be brought in, then why would there be a season. I say No to the plan.</p>
Disagree	<p>Rule, 15A NCAC 10B .0115 would like Onslow County to be listed as not allowed to shine lights at deer. It is a safety hazard as well as not sporting. I had 2 guys on the side of HWY 258 with their rifles drawn spotting. They shown the light into the road multiple times while I was driving home at 10pm. I almost ran off the road.</p> <p>15A NCAC 10B .0208- disagree with allowing hunting of a species in peril. Quote from Cornell University- Bobwhites have been in sharp decline throughout the past half-century, likely owing to habitat loss and changes in agriculture, and they are an increasingly high priority for conservation.</p> <p>Lastly, it would be nice if NC would incorporate the effects of lead use in hunting. People are unaware that lead shrapnels and they are ingesting it. Lead does not leave your system and can cause a wide range of medical problems and Drs will not check for lead toxicity because it is not common. Many symptoms can be thought to be other ailments. If ammo has a warning label stating to wash your hands after touching it due to harmful effects, then why don't we educate people about the possibility of lead ingestion? We can do better.</p>

One public hearing was held on September 21, 2021

Public Comment:

15A NCAC 10B .0211 COMMON OR RING-NECKED PHEASANT (~~NONNATIVE VARIETIES~~)

(a) ~~Open Season:~~ The open season for taking common or ring necked Pheasant ~~pheasant (nonnative varieties)~~ shall be the Saturday before Thanksgiving Day to February 1 ~~on~~ for male (cock) pheasant only in Currituck, Dare, Hyde and Carteret Counties.

(b) Bag Limits: The daily bag limit for common or ring necked pheasant ~~(nonnative varieties)~~ is three; the possession limit is six; and the season limit is 30.

Justification for changes:

The common pheasant (*Phasianus colchicus*) is the only species of pheasant found wild and hunted wild in North Carolina. It's common name throughout the world is the common pheasant and the males (cocks or roosters) can be found with or without a "ring neck" or white ring around the neck area.

This species is only found on barrier islands in four counties and amending the rule to apply the season to just these four counties makes sense. *There are no common pheasants to hunt in any other counties except those permitted to be released and shot during NCWRC sanctioned field trials.*

So to recap I would refer the species of pheasant hunted in North Carolina to its proper name- the common pheasant. Ring necked pheasant is not the proper common name for *Phasianus colchicus*.

And I would only apply the season to the four counties where wild common pheasants have ever existed in North Carolina. *There is no reason to continue to have common pheasant season apply to any other counties because common pheasants do not exist in them.*

This cleans up the rule and regulations dealing with wild common pheasants in North Carolina.

15A NCAC 10B .0225 ELK

(a) The season for taking elk ~~by hunting shall be~~ is October 1 ~~to~~ through November 1.

(b) Hunting ~~elk~~ shall be by permit only.

(c) The bag limit ~~shall be~~ is one per permit.

~~(d) Elk may be taken by any legal weapon as defined specified in G.S. 113-291.1.~~

(d) Elk may only be taken from one half hour before sunrise to one half hour after sunset.

Section (d) is unnecessary and should be stricken from the rule. 15A NCAC 10B..0201 section (d) seems to apply to the methods authorized for taking elk, which are legally classified as non-game species:

15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE

(d) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set under this Section, may be taken during the hours and methods authorized for taking game animals.

(I would amend the above subsection. See end of document)

G.S. 113-291.1 (e) authorizes the take of raccoon and opossum at night. These are game animals as defined by state law. So this would allow the take of elk at night according to 15A NCAC 10B..0201 section (d) and the current elk rule language because opossum and raccoon are allowed to be taken at night. *In fact, in most of North Carolina raccoons, a legally defined game species, cannot be taken during daylight hours.* My change clarifies that elk are supposed to be taken during the hours game species such black bear and white tailed deer are legally allowed to be taken. I don't believe it was ever the NCWRC's intent to allow night hunting of elk like it is allowed for other species of non game wildlife.

The NCWRC needs to clarify the section dealing with the methods and hours allowed for taking non game animals. I propose some clarifying language show in **red** below.

15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE

(d) Those animals not classified as game animals in G.S. 113-129(7c), and for which a season is set under this Section, may be taken during the hours and **with the** methods authorized for taking game animals **in the General Statutes unless otherwise specified in the rule for that species.**

I would like to make further comments and suggestions on the elk rule. I propose that with this rule readoption the WRC adopts a definition of antlered elk. In the white-tailed deer rule there is a definition of antlered deer.

This gives a definition for biologists and hunters to follow.

There is no such definition in the elk rule given all evidence that the first elk hunt proposed by the WRC would be for male (bull) elk with antlers. Female elk with bony antlers are very rare.

Therefore I propose the following definition be added to the rule:

Antlered Elk- Any elk with bony antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet.

This would apply the definition from the deer rule to the elk rule. This definition is needed for proper management of the elk herd and does not drastically change the rule.

An alternative definition for antlered elk if the WRC does not find the above definition suitable for management purposes is the following:

Antlered elk- Any elk with a bony antler or spike of at least five (5) inches in length as measured on the outside curve of the antler from the skull to the tip.

This is basically the definition Colorado and other western states use to manage their elk herds.

EXHIBIT F-2

December 9, 2021



Proposed Amendments to 15A NCAC 10B Hunting & Trapping Rules Recommended by Agency Staff for Adoption

15A NCAC 10B .0100 General Regulations

These rules are part of the 2017 periodic review. Rules listed below were determined to be “necessary with substantive public interest” and need to be readopted.

10B .0102

No changes to current rule.

15A NCAC 10B .0102 Importation of Gray Foxes (page 4)

10B .0115

Updated to simplify formatting and remove repetitive rule language.

15A NCAC 10B .0115 Shining Lights in Deer Areas (page 5-7)

10B .0121

Updated to simplify formatting and incorporate technical changes.

15A NCAC 10B .0121 Wild Birds Defined (page 8)

10B .0122

Updated to simplify formatting.

15A NCAC 10B .0122 Prohibited Hunting on State Fish Hatcheries (Page 9)

10B .0124

Updated to simplify formatting and remove outdated rule language.

15A NCAC 10B .0124 Importation of Animal parts (page 10)

10B .0125

Updated to simplify formatting.

15A NCAC 10B .0125 Release of Mute Swans (page 11)

15A NCAC 10B .0200 Hunting

These rules are part of the 2017 periodic review. Rules listed below were determined to be “necessary with substantive public interest” and need to be readopted.

10B .0202

Updated for technical changes and to clarify rule language.

15A NCAC 10B .0202 Bear (page 12-13)

10B .0208

Updated to simplify formatting and clarify rule language.

15A NCAC 10B .0208 Quail (page 14)

10B .0209

Updated to simplify formatting.

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

10B .0210

Updated to simplify language and formatting.

15A NCAC 10B .0210 Ruffed Grouse (Native Pheasant) (page 16)

10B .0211

Updated to simplify formatting and make technical corrections to species name.

15A NCAC 10B .0211 Pheasant (Nonnative Varieties) (page 17)

10B .0213

Updated to simplify formatting.

15A NCAC 10B .0213 Groundhog (page 18)

10B .0214

Updated for title technical changes and to simplify language.

15A NCAC 10B .0214 Wildcat (Bobcat) (page 19)

10B .0215

Updated to simplify formatting.

15A NCAC 10B .0215 Crows (page 20)

10B .0219

Updated to simplify formatting.

15A NCAC 10B .0219 Coyote (page 21-22)

10B .0220

Updated to simplify formatting.

15A NCAC 10B .0220 Nutria (page 23)

10B .0221

Updated to simplify formatting.

15A NCAC 10B .0221 Striped Skunk (page 24)

10B .0222

Updated to simplify formatting.

15A NCAC 10B .0222 Armadillo (page 25)

10B .0225

Updated to simplify language.

15A NCAC 10B .0225 Elk (page 26)

15A NCAC 10B .0300 Trapping

This rule was a part of the 2017 periodic review. This rule was determined to be “necessary with substantive public interest” and needs to be readopted.

10B .0301

Updated to clarify language.

15A NCAC 10B .0301 Definitions (page 27)

15A NCAC 10B .0102 IMPORTATION OF GRAY FOXES

The importation of gray foxes into Anson, Avery, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Davidson, Gaston, Lincoln, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Richmond, Rowan, Rutherford, Stanly, Union and Yancey Counties is prohibited.

History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4;
Eff. February 1, 1976.
Readopted January 1, 2022.

15A NCAC 10B .0115 SHINING LIGHTS IN DEER AREAS

~~(a) It having been found upon sufficient evidence that certain areas frequented by deer are subject to substantial unlawful night deer hunting, or that residents in such areas have been greatly inconvenienced by persons shining lights on deer, or both, the shining of lights on deer in such areas is limited by Paragraphs (b) and (c) of this Rule, subject to the exceptions contained in Paragraph (d) of this Rule.~~

~~(b) No person shall, between the hours of 11:00 p.m. and one-half hour before sunrise, intentionally shine~~ Intentionally shining ~~a light upon a deer or intentionally sweep sweeping a light in search of deer~~ between the hours of 11:00 p.m. and one-half hour before sunrise is prohibited in the indicated portions of the following counties:

- (1) Beaufort ~~—entire county;~~
- (2) Bladen ~~—entire county;~~
- (3) Brunswick ~~—entire county;~~
- (4) Camden ~~—entire county;~~
- (5) Chowan ~~—entire county;~~
- (6) Currituck ~~—entire county;~~
- (7) Duplin ~~—entire county;~~
- (8) Franklin ~~—entire county;~~
- (9) Gates ~~—entire county;~~
- (10) Greene ~~—entire county;~~
- (11) Hertford ~~—entire county;~~
- (12) Hyde ~~—entire county;~~
- (13) Jones ~~—entire county;~~
- (14) Lenoir ~~—entire county;~~
- (15) Martin ~~—entire county;~~
- (16) Nash ~~—entire county;~~
- (17) Pamlico ~~—entire county;~~
- (18) Pasquotank ~~—entire county;~~
- (19) Pender ~~—entire county;~~
- (20) Perquimans ~~—entire county;~~
- (21) Pitt ~~—entire county;~~
- (22) Sampson ~~—entire county;~~
- (23) Tyrrell ~~—entire county;~~
- (24) Vance ~~—entire county;~~
- (25) Wake ~~—entire county;~~
- (26) Warren ~~—entire county;~~
- (27) Washington ~~—entire county;~~
- (28) Wayne ~~—entire county;~~

~~(c) No person shall, between the hours of one-half hour after sunset and one-half hour before sunrise, intentionally shine~~ Intentionally shining ~~a light upon a deer or intentionally sweep sweeping a light in search of deer~~ between the hours of one-half hour after sunset and one-half hour before sunrise is prohibited in the indicated portions of the following counties: counties or portions thereof:

- (1) Alamance ~~—entire county;~~
- (2) Alexander ~~—entire county;~~
- (3) Alleghany ~~—entire county;~~

- (4) Anson —entire county;
- (5) Ashe —entire county;
- (6) Avery -- that portion south and east of Highway 221;
- (7) Buncombe County —entire county;
- (8) Burke —entire county;
- (9) Cabarrus —entire county;
- (10) Caswell —entire county;
- (11) Catawba —entire county;
- (12) Chatham —entire county;
- (13) Cherokee —entire county;
- (14) Clay —entire county;
- (15) Cleveland —entire county;
- (16) Cumberland —entire county;
- (17) Davidson —entire county;
- (18) Davie —entire county;
- (19) Durham —entire county;
- (20) Edgecombe —entire county;
- (21) Forsyth County —entire county;
- (22) Gaston —entire county;
- (23) Granville —entire county;
- (24) Guilford —entire county;
- (25) Halifax —entire county;
- (26) Harnett —entire county;
- (27) Henderson —entire county;
- (28) Hoke —entire county;
- (29) Iredell —entire county;
- (30) Johnston —entire county;
- (31) Lee —entire county;
- (32) Lincoln —entire county;
- (33) Macon —entire county;
- (34) McDowell —entire county;
- (35) Mecklenburg —entire county;
- (36) Mitchell —entire county;
- (37) Montgomery —entire county;
- (38) Northampton —entire county;
- (39) Orange County —entire county;
- (40) Person —entire county;
- (41) Polk —entire county;
- (42) Randolph —entire county;
- (43) Robeson County —entire county;
- (44) Rockingham —entire county;
- (45) Rowan —entire county;
- (46) Rutherford —entire county;
- (47) Stanly —entire county;

- (48) Stokes —~~entire county~~;
- (49) Surry —~~entire county~~;
- (50) Swain —~~entire county~~;
- (51) Transylvania —~~entire county~~;
- (52) Union —~~entire county~~;
- (53) Watauga —~~entire county~~;
- (54) Yancey —~~entire county~~.

(d) Paragraphs (b) and (c) of this Rule shall not be construed to prevent:

- (1) the lawful hunting of raccoon or opossum during open season with artificial lights designed or commonly used in taking raccoon and opossum at night;
- (2) the necessary shining of lights by landholders on their own lands;
- (3) the shining of lights necessary to normal travel by motor vehicles on roads or highways; or
- (4) the use of lights by campers and others who are legitimately in such areas for other reasons and who are not attempting to attract or to immobilize deer by the use of lights.

*History Note: Authority G.S. 113-134; 113-291.1; S.L. 1981, c. 410; S.L. 1981 (Second Session 1982), c. 1180;
Eff. November 11, 1979;
Amended Eff. July 18, 2002; April 1, 1997; July 1, 1996; November 1, 1995; March 1, 1995; July 1, 1994;
Readopted Eff. January 1, 2022.*

15A NCAC 10B .0121 WILD BIRDS BIRD DEFINED EXCEPTIONS

The following wild birds are excluded from the definition of “wild birds” contained in G.S. 113-129(15a): ~~English sparrow (Passer domesticus), Eurasian collared dove (Streptopelia decaocto), pigeon (Columba livia), mute swan (Cygnus olor), and starling (Sturnus vulgaris) are specifically excluded from the definition of "wild birds" contained in G.S. 113-129(15a).~~

- (1) English sparrow (Passer domesticus);
- (2) Eurasian collared dove (Streptopelia decaocto);
- (3) pigeon (Columba livia);
- (4) mute swan (Cygnus olor); and
- (5) starling (Sturnus vulgaris).

History Note: Authority G.S. 113-129; 113-134;
Eff. December 1, 1987;
Amended Eff. August 1, 2010; May 1, 2006; October 1, 2004.
Readopted Eff. January 1, 2022.

15A NCAC 10B .0122 PROHIBITED HUNTING ON STATE FISH HATCHERIES

~~It is unlawful to possess~~ Possessing a loaded firearm within a posted restricted zone on any ~~state-owned~~ State-owned fish hatchery or ~~to discharge~~ discharging a firearm into or across such a restricted ~~zone;~~ zone is prohibited.

History Note: *Authority G.S. 113-134; 113-264;*

Eff. September 1, 1989.

Readopted Eff. January 1, 2022.

15A NCAC 10B .0124 IMPORTATION OF ANIMAL PARTS

(a) ~~Unless otherwise provided in this Rule, it~~ It shall ~~is~~ be unlawful to import, transport, or possess a cervid carcass or carcass part originating from outside of North Carolina except:

- (1) meat that has been boned out such that no pieces or fragments of bone remain;
- (2) caped hides with no part of the skull or spinal column attached;
- (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
- (4) cleaned lower jawbones with teeth or cleaned teeth; or
- (5) finished taxidermy products and tanned hides.

(b) Any cervid carcass, carcass part, or container of cervid meat or carcass parts listed in Subparagraph (a)(1) through (4) of this Rule shall be labeled or identified with the following information:

- (1) the individual's name and address;
- (2) the state, Canadian province, or foreign country of origin; and
- (3) the date the cervid was killed and the individual's hunting license number, permit number, or equivalent identification from the state, Canadian province, or foreign country of origin.

~~(c) It shall be lawful to import, transport, or possess a caped hide with only the head attached from a white-tailed deer lawfully taken in South Carolina, if delivered to a licensed North Carolina taxidermist within 24 hours of entering the State. The hide and head shall be double plastic bagged and labeled or identified with the information required in Paragraph (b) of this Rule and the name of the county in South Carolina where the white-tailed deer was killed. This Paragraph shall expire on August 1, 2020 or upon the Commission's confirmation of the discovery of Chronic Wasting Disease in a cervid from South Carolina, whichever occurs first. Upon expiration, all restrictions and requirements of Paragraph (a) shall apply.~~

History Note: Authority G.S. 113-291.2;

Eff. May 1, 2006;

Temporary Amendment Eff. August 1, 2018;

Amended Eff. August 1, 2019;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0125 RELEASE OF MUTE SWANS

~~(a) It is unlawful for any individual to~~ Individuals shall not release any mute swan (*Cygnus olor*) into the public waters of North Carolina. ~~Any individual who possesses or confines mute swans on their property or releases a mute swan to privately controlled waters must ensure that the animal has been pinioned. Individuals who currently possess or confine mute swans on their property must pinion all mute swans on their property by January 1, 2009. For the purposes of this Rule privately controlled waters is defined as: a body of water lying wholly upon a single tract of privately owned land or a body of water lying entirely within private property, even if that property is comprised of multiple tracts owned by one or multiple individuals. In addition, privately controlled waters are waters to which the public does not have access without permission of one or more of the private landowners surrounding the water(s).~~

(b) Any individual who releases mute swan into privately controlled waters, possesses, or confines mute swans or any progeny of mute swans on their property, must ensure that the animal has been pinioned.

(c) For the purposes of this Rule, “privately controlled waters” means:

- (1) a body of water lying wholly upon a single tract of privately owned land or a body of water lying entirely within private property, even if that property is comprised of multiple tracts owned by one or multiple individuals; and
- (2) waters to which the public does not have access without permission of one or more of the private landowners surrounding the water(s).

*History Note: Authority G.S. 113-292(d);
Eff. July 1, 2008;
Readopted Eff. January 1, 2022.*

15A NCAC 10B .0202 BEAR

(a) Open Seasons for hunting bear shall be from the:

- (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) Second Saturday in November through the third Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans counties;
- (6) Second Sunday in November through the following Sunday, when November 1 falls on a Sunday the season shall be from the third Sunday in November through the following Sunday, and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;
- (7) Third Saturday in November through the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- (8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
- (2) Bears shall not be taken with the use or aid of:
 - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
 - (B) any extracts of substances identified in Part (A) of this Subparagraph;
 - (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or

- (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
- (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through ~~(a)(6)~~ (a)(8) of this Rule.
- (5) Bears shall not be taken while in the act of consuming ~~bait~~, bait as specified in G.S. 113-291.1(b)(2).
- (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.
- (c) No Open Season. It shall be unlawful to take bear on posted bear sanctuaries except when authorized by permit issued by the Commission. See 15A NCAC 10D .0106 for posted bear sanctuaries.
- (d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;
 Temporary Amendment Eff. July 1, 1999;
 Amended Eff. July 1, 2000;
 Temporary Amendment Eff. July 1, 2002;
 Amendment Eff. August 1, 2002;
 Temporary Amendment Eff. September 1, 2003;
 Temporary Amendment Expired Eff. December 27, 2003;
 Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;
 Temporary Amendment Eff. May 31, 2016;
 Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016;
 Temporary Amendment Eff. August 1, 2018;
 Amended Eff. August 1, 2019;
 Temporary Amendment Eff. September 1, 2020;
Readopted Eff. January 1, 2022.

15A NCAC 10B .0208 QUAIL

- (a) The open season for quail ~~shall be~~ is the Saturday before Thanksgiving ~~to through~~ through the last day of February.
- (b) The daily bag ~~Limit shall be limit is six six; per day and~~ the possession limit ~~shall be~~ is 12; 12; and there ~~There shall be~~ is no season limit.

History Note: Authority G.S. 113-134; 113-291.2;

Eff. February 1, 1976;

Amended Eff. July 1, 1996; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;

Temporary Amendment Eff. July 1, 2001;

Amended Eff. July 18, 2002;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0209 WILD TURKEY

~~(a) Open Seasons:~~

- ~~(1) Spring Wild Turkey Season is from the second Saturday in April through the Saturday of the fourth week thereafter on only bearded or male turkeys in all counties statewide.~~
- ~~(2) Spring Youth Only Wild Turkey Season is from the first Saturday in April until the Friday thereafter on only bearded or male wild turkeys. The bag limit during the Spring Youth Only Wild Turkey season is one bird. For purposes of this Subparagraph, a youth hunter is younger than 18 years of age.~~

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

(a) The open season for wild turkey is from the second Saturday in April through the fourth Saturday thereafter on bearded or male turkeys only.

(b) The daily bag limit is one; the possession limit is two; and the season limit is two.

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

(d) The following shall apply to Spring Youth Only Wild Turkey Season:

- (1) the open season is from the first Saturday in April through the Friday thereafter on bearded or male wild turkeys only.
- (2) the season limit is one.

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

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;
July 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 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. February 1, 2018; August 1, 2017; January 1, 2013; May 1, 2009; May 1, 2007;
November 1, 2005;
Readopted Eff. January 1, 2022.

15A NCAC 10B .0210 RUFFED GROUSE (~~NATIVE PHEASANT~~)

- (a) ~~Open Season:~~ The open season for taking ruffed grouse is the Monday on or nearest October 15 to through the last day of February.
- (b) ~~Bag Limits: Daily, three; possession, six; season, 30.~~ The daily bag limit is three; the possession limit is six; and the season limit is 30.

History Note: Authority G.S. 113-134; 113-291.2;
Eff. February 1, 1976;
Amended Eff. July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;
Readopted Eff. January 1, 2022.

15A NCAC 10B .0211 RING-NECKED PHEASANT ~~(NONNATIVE VARIETIES)~~

(a) ~~Open Season:~~ The open season for taking ring-necked Pheasant pheasant ~~(nonnative varieties)~~ shall be the Saturday before Thanksgiving Day to February 1 on male pheasant only.

~~(b) Bag Limits:~~ The daily bag limit for ring-necked pheasants ~~(nonnative varieties)~~ is three; the possession limit is six; and the season limit is 30.

History Note: *Authority G.S. 113-134; 113-291.2;*

Eff. February 1, 1976;

Amended Eff. August 1, 2018; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0213 GROUNDHOG

- (a) ~~No~~ There is no closed season- season for groundhogs.
- (b) ~~Bag Limits: No restriction.~~ There is no bag limit.

*History Note: Authority G.S. 113-134; 113-291.2;
 Eff. February 1, 1976;
 Readopted Eff. January 1, 2022.*

15A NCAC 10B .0214 ~~WILDCAT (BOBCAT)~~ BOBCAT

(a) The open season for hunting bobcat ~~shall be~~ is the Monday on or nearest October 15 through the last day in February.

(b) There ~~shall be no restriction on~~ is no bag limits. limit.

History Note: *Authority G.S. 113-134; 113-291.2;*

Eff. February 1, 1976;

Amended Eff. July 1, 1996; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0215 CROWS

(a) Open seasons for hunting crows are as follows: Wednesday, Friday, and Saturday of each week from the first Wednesday in June ~~to~~ through the last day of February and on the following holidays: July 4, Labor Day, Thanksgiving, Christmas, New Years, and Martin Luther King, Jr., except when those days occur on a Sunday.

~~Note: Federal law protects crows and limits state seasons to a maximum of 124 days per year.~~

(b) There ~~are~~ is no bag ~~limit-limit.~~ restrictions on crows.

(c) ~~Manner of Take.~~ Hunters may use electronic ~~calls.~~ calls to take crows.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 50 C.F.R. 20.133;

Eff. February 1, 1976;

*Amended Eff. May 1, 2009; May 1, 2006; June 1, 2005; July 1, 1991; July 1, 1987; July 1, 1984;
July 1, 1983;*

Temporary Amendment Eff. October 1, 2011;

Amended Eff. August 1, 2017; January 1, 2012;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0219 COYOTE

(a) ~~This Rule applies to hunting coyotes. In all counties of the State,~~ When taking coyotes, except those counties specified in Paragraph (b), the following shall apply:

- (1) There is no closed season for taking coyotes.
- (2) There is no bag limit.
- (2) Coyotes may be taken on private lands anytime during the day or night.
- (3) 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, sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.~~
- (4) Coyotes may be taken on public lands with a permit from one-half hour after sunset to one-half hour before sunrise.
- (5) Hunters may use electronic calls and artificial lights to take coyotes.

(b) In the counties of Beaufort, Dare, Hyde, Tyrell, and Washington, the following shall apply:

- (1) Coyote hunting on public lands is prohibited, except that coyotes may be taken on State-owned game lands by the holder of a permit for a specific special hunt opportunity for coyotes authorized by G.S 113-264(d). ~~Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours of one-half hour before sunrise until one-half hour after sunset. Contests or competition coyote hunts on public lands are prohibited. If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State game lands within the five counties identified in this Paragraph, all special hunts for coyotes on State game lands within those five counties shall be suspended for one calendar year.~~
- (2) Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours of one-half hour before sunrise until one-half hour after sunset.
- (3) Contests or competition coyote hunts on public lands are prohibited.
- (4) If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State game lands within the five counties identified in this Paragraph, all special hunts for coyotes on State game lands within those five counties shall be suspended for one calendar year.
- (2) ~~There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands from hours of one-half hour before sunrise until one-half hour after sunset only.~~
- ~~(3)~~ (5) Coyotes may be taken on private lands by permit only, and any take shall be reported within 24 hours to the Commission.
- (6) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands from hours of one-half hour before sunrise until one-half hour after sunset only.
- (4) Coyote hunting permits are in addition to hunting licenses. Individuals exempted ~~from~~ from license requirements under the provisions specified in G.S. 113-276 shall acquire the coyote hunting permits to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one

calendar year and are subject to annual renewal. These permits are non-transferable. Permit holders shall submit their harvest reports in order to be eligible for permit renewal.

~~(c) There are no bag limit restrictions on coyotes.~~

~~(d) Manner of Take. Hunters may use electronic calls and artificial lights.~~

History Note: Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2;

Eff. July 1, 1993;

Temporary Amendment Eff. October 1, 2011;

Amended Eff. January 1, 2012;

Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org;

Amended Eff. July 26, 2013;

Temporary Amendment Eff. February 27, 2015;

Amended Eff. July 1, 2016;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0220 NUTRIA

- (a) There ~~shall be~~ is no closed ~~season~~ for taking nutria by hunting.
- (b) There ~~shall be~~ is no bag ~~limit restrictions~~ limit.

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.1(a);
 Eff. July 1, 1996;
 Readopted Eff. January 1, 2022.*

15A NCAC 10B .0221 STRIPED SKUNK

- (a) There ~~shall be~~ is no closed ~~season~~. season for taking striped skunk by hunting.
- (b) There ~~shall be~~ is no bag ~~limit restrictions~~. limit.

History Note: Authority G.S. 113-134; 113-291; 113-291.2;
Eff. May 1, 2006;
Readopted Eff. January 1, 2022.

15A NCAC 10B .0222 ARMADILLO

- (a) ~~Open season.~~ There is no closed season for taking armadillo by hunting.
- (b) ~~Bag limits.~~ There ~~are~~ is no bag ~~limit-limit~~ restrictions.

History Note: *Authority G.S. 113-134; 113-291; 113-291.2;*

Eff. August 1, 2010;

Readopted Eff. January 1, 2022.

15A NCAC 10B .0225 ELK

- (a) The season for taking elk ~~by hunting shall be~~ is October 1 ~~to~~ through November 1.
- (b) Hunting ~~elk~~ shall be by permit only.
- (c) The bag limit ~~shall be~~ is one per permit.
- (d) Elk may be taken by any legal weapon as ~~defined~~ specified in G.S. 113-291.1.

History Note: Authority G.S. 113-134; 113-291; 113-291.1; 113-291.2;
Eff. August 1, 2016;
Readopted Eff. January 1, 2022.

15A NCAC 10B .0301 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Breakaway device" means any device incorporated into a snare or snare component that allows the loop to break open, and an animal to escape completely free of the snare, when a specified amount of force is applied.
- (2) "Collarum™-type trap" means any power-activated snare that is activated when the trigger is pulled and that is designed to capture and restrain the animal by a cable around the neck.
- (3) "Leghold" and "foothold" mean any trap designed to hold an animal by the foot.
- (4) "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing beyond a specified point.
- (5) "Power-activated" means a snare on which the loop closure (speed or direction) is initiated or augmented by some type of powering device (e.g., a spring).
- (6) "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the captured animal when the cable is not taut.
- (7) "Snare" means any cable restraining ~~device made from a cable and a locking mechanism.~~ device.
- (8) "Steel-jaw" means any leghold or foothold trap in which the jaw(s) are made of metal.

History Note: *Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.6;*
Eff. January 1, 2011;
Readopted Eff. January 1, 2022.

EXHIBIT G-1

December 9, 2021



Public Comments for 15A NCAC 10C .0200 Inland Fishing Rules

Public Comments Received

No Comments Received

One public hearing was held on September 28, 2021.

EXHIBIT G-2

December 9, 2021



Proposed Amendments to 15A NCAC 10C Inland Fishing Rules Recommended by Agency Staff for Readoption

These rules are part of the 2017 periodic review. Rules listed below were determined to be “necessary with substantive public interest” and need to be readopted.

15A NCAC 10C .0200 General Regulations

10C .0201

Updated to clarify language.

15A NCAC 10C .0201 Identification (page 2)

10C .0212

Updated to simplify formatting.

15A NCAC 10C .0212 Fish Hatcheries (page 3)

10C .0213

Updated to clarify language.

15A NCAC 10C .0213 Snagging Fish (page 4)

10C .0217

Updated to simplify formatting.

15A NCAC 10C .0217 Public Access For Anglers Only (Page 5)

15A NCAC 10C .0201 IDENTIFICATION

~~It is unlawful to fish without having on one's person a means of identification indicating the current residence of such person.~~ An individual shall have means of identification on their person indicating their current residence.

History Note: Authority G.S. 113-134; 113-276.1;

Eff. February 1, 1976.

Readopted Eff. January 1, 2022.

15A NCAC 10C .0212 FISH HATCHERIES

~~(a) It shall be unlawful to fish~~ Fishing by any method ~~or~~ at any time in the waters of Bones Creek from the Lake Rim Dam to the US 401 Bypass (Raeford Road) or upon any property used in conjunction with any state fish hatchery is prohibited. ~~hatchery, except McKinney Lake Reservoir at McKinney Lake State Fish Hatchery, or except as part of fishing events authorized by the North Carolina Wildlife Resources Commission. On Lake Rim it is unlawful to use power driven boats, except those powered by electric motors, to swim or bathe at any time, or to use, or have in possession, any minnows or other species of fish except golden shiners (shad roaches) for use as bait. Exceptions shall include McKinney Lake Reservoir at McKinney Lake State Fish Hatchery and any fishing events authorized by the North Carolina Wildlife Resources Commission.~~

(b) On Lake Rim it shall be unlawful to:

- (1) use motorized boats, except those powered by electric motors;
- (2) swim or bathe at any time; or
- (3) use, or have in one's possession, any minnows, or other species of fish except golden shiners for use as bait.

History Note: Authority G.S. 113-134; 113-264; 113-292;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; May 1, 1992;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003).

Readopted Eff. January 1, 2022.

15A NCAC 10C .0213 SNAGGING FISH

~~It is unlawful to take fish from any inland fishing waters by snagging. As used in this Rule, "snagging" means pulling or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish thereon.~~
Snagging by means of pulling or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish is prohibited in all inland fishing waters.

History Note: Authority G.S. 113-134; 113-292;

Eff. January 1, 1977;

Amended Eff. July 1, 1989; January 1, 1981; January 1, 1979; January 1, 1978.

Readopted Eff. January 1, 2022.

15A NCAC 10C .0217 PUBLIC ACCESS FOR ANGLERS ONLY

(a) A landowner who has accepted from the Wildlife Resources Commission a sign indicating Public Access for Fishing Only and posted such sign on his property agrees to allow any licensed angler, and accompanying youths, to cross his or her property in order to access public waters for the purpose of fishing.

(b) ~~By accepting and posting the Public Access for Fishing Only sign, the landowner has designated the Wildlife Resources Commission as an agent as described in G.S. 14-159.6. As an agent, the Commission confers access to any member of the public with a valid fishing license and accompanying youths. Anglers who access property under the terms of this Rule are prohibited from engaging in any of the following activities while on the private property unless otherwise posted:~~

- (1) ~~building fires;~~
- (2) ~~littering;~~
- (3) ~~swimming;~~
- (4) ~~launching or retrieving boats;~~
- (5) ~~camping;~~
- (6) ~~causing property damage;~~
- (7) ~~entering before 7 am; and~~
- (8) ~~remaining on the property after 9 pm.~~

(a) By accepting and posting the Public Access for Fishing Only sign from the Wildlife Resources Commission on their property, a landowner:

- (1) agrees to allow any licensed angler, and accompanying youths, to cross his or her property in order to access public waters for the purpose of fishing; and
- (2) designates the Wildlife Resources Commission as an agent as described in G.S. 14-159.6. As an agent, the Commission confers access to any member of the public with a valid fishing license and accompanying youths.

(b) Anglers who access property under the terms of this Rule are prohibited from engaging in any of the following activities while on the private property unless otherwise posted:

- (1) building fires;
- (2) littering;
- (3) swimming;
- (4) launching or retrieving boats;
- (5) camping;
- (6) causing property damage;
- (7) entering before 7 am; and
- (8) remaining on the property after 9 pm.

*History Note: Authority G.S. 14-159.6; 113-134; 113-305;
Eff. August 1, 2014.
Readopted Eff. January 1, 2022.*

EXHIBIT H-1

December 9, 2021



Proposed Amendments to 15A NCAC 10C - Inland Fishing Rules Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

15A NCAC 10C .0100 Jurisdiction of Agencies: Classification of Waters

10C .0101, 10C .0102, and 10C .0104

Update rule text and references and simplify formatting.

15A NCAC 10C .0101 Scope and Purpose (page 5)

15A NCAC 10C .0102 Inland Fishing Waters (page 6)

15A NCAC 10C .0104 Joint Fishing Waters (page 8)

10C .0103

Update rule text and references and simplify formatting. Focus rule specific to coastal fishing waters by excluding joint fishing waters. Clearly identify inland game fish in coastal fishing waters.

15A NCAC 10C .0103 Coastal Fishing Waters (page 7)

10C .0105

Clarify rule text and simplify formatting. Add reference to online maps.

15A NCAC 10C .0105 Posting Dividing Lines (page 9)

10C .0106

Modify the rule title and update rule text. Remove inland fishing laws and rules pertaining to inland fishing license requirements due to the creation of the Coastal Recreational Fishing License. Add laws and rules pertaining to endangered, threatened, and special concern fish, crustaceans, and mollusks.

15A NCAC 10C .0106 Applicability of Rules: Joint Fishing Waters (page 10)

10C .0107

Modify the rule title and update rule text. Remove hook and line shad possession limit.

15A NCAC 10C .0107 Special Regulations for Joint Fishing Waters (pages 11-12)

10C .0108 and 10C .0111

Repeal.

15A NCAC 10C .0108 Specific Classification of Waters (page 13)

15A NCAC 10C .0111 Implementation of Estuarine Striped Bass Management Plans: Recreational Fishing (page 17)

10C .0109

No changes to current rule.

15A NCAC 10C .0109 Protection of Sea Turtles (page 14)

10C .0110

Modify the rule title. Remove reference to Marine Fisheries Commission rule and incorporate descriptions of the designated management areas. Relocate text from 10C .0111 regarding authority for management and methods for management.

15A NCAC 10C .0110 Management of Estuarine Striped Bass in the Albemarle Sound and Roanoke River Management Areas (pages 15-16)

15A NCAC 10C .0300 Game Fish

10C .0301

Clearly identify inland game fish in inland, joint, and coastal fishing waters and inland game fish only when found in inland fishing waters.

15A NCAC 10C .0301 Inland Game Fishes Designated (pages 18-19)

10C .0302 and 10C .0304

Update rule text and simplify formatting. Focus rules specific to inland fishing waters.

15A NCAC 10C .0302 Manner of Taking Inland Game Fishes (page 20)

15A NCAC 10C .0304 Taking and Possession of Inland Game Fishes (page 21)

10C .0305, 10C .0306, 10C .0308, 10C .0313, 10C .0318, 10C .0321, 10C .0322, and 10C .0323

Update rule text and simplify formatting.

15A NCAC 10C .0305 Largemouth Bass (pages 22-23)

15A NCAC 10C .0306 Crappie (page 24)

15A NCAC 10C .0308 Kokanee Salmon (page 27)

15A NCAC 10C .0313 American Shad and Hickory Shad (page 28)

15A NCAC 10C .0318 White Bass (page 33)

15A NCAC 10C .0321 Smallmouth Bass (page 35)

15A NCAC 10C .0322 Alabama Bass and Spotted Bass (page 36)

15A NCAC 10C .0323 Redeye Bass (page 37)

10C .0307, 10C .0325, and 10C .0326

Establish daily creel limits, size limits, and seasons for Flounder, Sea Trout, and Red Drum.

15A NCAC 10C .0307 Flounder (page 26)

15A NCAC 10C .0325 Sea Trout (page 39)

15A NCAC 10C .0326 Red Drum (page 40)

10C .0314

Update rule text and simplify formatting. Incorporate reference to the Roanoke River and Albemarle Sound Striped Bass management areas (10C .0110).

15A NCAC 10C .0314 Striped Bass (pages 29-30)

10C .0316

Modify the rule title.

15A NCAC 10C .0316 Mountain Trout (page 31)

10C .0319

Clarify that White Perch may be taken in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir.

15A NCAC 10C .0319 White Perch (page 34)

10C .0324

Modify the rule title, update rule text, and simplify formatting.

15A NCAC 10C .0324 Bullheads (page 38)

15A NCAC 10C .0400 Nongame Fish in Inland Fishing Waters

10C .0401

Update rule text and simplify formatting. Focus rule specific to inland fishing waters. Clarify the use of archery equipment for taking nongame fishes. Relocate species-specific creel limits, size limits, and seasons to separate rules. Relocate text prohibiting the alteration of appearance for nongame fishes with a specific size or creel limit.

15A NCAC 10C .0401 Manner of Taking Nongame Fishes (pages 41-43)

10C .0402

Modify the rule title, update rule text, and simplify formatting. Clarify that American Shad and Hickory Shad may be taken with dip nets and bow nets from March 1-April 30. Relocate text prohibiting the alteration of appearance for nongame fishes with a specific size or creel limit.

15A NCAC 10C .0402 Taking Nongame Fishes by Special Device for Bait or Personal Consumption (pages 44-45)

10C .0404 and 10C .0407

Relocate text regarding use of archery equipment for taking nongame fishes.

15A NCAC 10C .0404 Special Devices (page 46)

15A NCAC 10C .0407 Permitted Special Devices and Open Seasons (page 50)

10C .0405

Update reference to migratory saltwater fishes.

15A NCAC 10C .0405 Possession of Licenses (page 48)

10C .0406

No changes to current rule.

15A NCAC 10C .0406 Trawls and Dredges (page 49)

10C .0409

Consolidate and clarify general restrictions on taking, possessing, and altering the appearance of nongame fishes.

15A NCAC 10C .0409 Taking and Possession of Nongame Fishes (page 60)

10C .0410, 10C .0413, 10C .0415, 10C .0416, 10C .0418, 10C .0419, 10C .0421, and 10C .0423

Establish species-specific rules for American Eel, Blue Catfish, Blue Crab, Bowfin, Channel Catfish, Flathead Catfish, freshwater mussels, Grass Carp, Margined Madtom, river herring, and Tadpole Madtom.

15A NCAC 10C .0410 American Eel (page 61)

15A NCAC 10C .0413 Blue Crab (page 64)

15A NCAC 10C .0415 Bowfin (page 66)

15A NCAC 10C .0416 Blue Catfish, Channel Catfish, and Flathead Catfish (page 67)

15A NCAC 10C .0418 Freshwater Mussels (page 69)

15A NCAC 10C .0419 Grass Carp (page 70)

15A NCAC 10C .0421 Margined Madtom and Tadpole Madtom (page 72)

15A NCAC 10C .0423 Alewife and Blueback Herring (page 74)

10C .0411, 10C .0412, 10C .0414, 10C .0417, 10C .0420, 10C .0422, 10C .0424, 10C .0425, 10C .0426, 10C .0427, 10C .0428, 10C .0429, and 10C .0430

Establish size limits, creel limits, seasons, and species that may be sold for Atlantic Croaker, Black Drum, Bluefish, Cobia, King Mackerel, mullet, sharks, Sheepshead, Spanish Mackerel, Spot, Tarpon, and Weakfish.

15A NCAC 10C .0411 Atlantic Croaker (page 62)

15A NCAC 10C .0412 Black Drum (page 63)

15A NCAC 10C .0414 Bluefish (page 65)

15A NCAC 10C .0417 Cobia (page 68)

15A NCAC 10C .0420 King Mackerel (page 71)

15A NCAC 10C .0422 Striped Mullet and White Mullet (page 73)

15A NCAC 10C .0424 Sharks (page 75)

15A NCAC 10C .0425 Sheepshead (page 76)

15A NCAC 10C .0426 Spanish Mackerel (page 77)

15A NCAC 10C .0427 Spot (page 78)

15A NCAC 10C .0428 Tarpon (page 79)

15A NCAC 10C .0429 Weakfish (Gray Trout) (page 80)

15A NCAC 10C .0430 Other Fishes (page 81)

15A NCAC 10C .0700 Fishes in Joint Fishing Waters

10C .0701

Clearly identify inland game fish in joint fishing waters. Clarify these fish may only be taken with hook and line and when taken incidental to commercial fishing operations shall be immediately returned to the water unharmed. Include reference to size limits, creel limits, and seasons in Section .0300, general possession limits, and text prohibiting the alteration of appearance.

15A NCAC 10C .0701 Inland Game Fishes Designated in Joint Fishing Waters (pages 82-83)

10C .0702

Reaffirm Wildlife Resources Commission authority over all other fishes taken by hook and line in joint fishing waters. Include reference to size limits, creel limits, seasons, and species that may be sold in Sections .0300 and .0400, general possession limits, and text prohibiting the alteration of appearance for nongame fishes with a specific size or creel limit.

15A NCAC 10C .0702 Taking and Possession of Other Fishes by Hook and Line in Joint Fishing Waters (pages 84-85)

15A NCAC 10C .0800 Game Fish in Coastal Fishing Waters

10C .0801

Clearly identify inland game fish in coastal fishing waters. Clarify these fish may only be taken with hook and line and when taken incidental to commercial fishing operations shall be immediately returned to the water unharmed. Include reference to size limits, creel limits, and seasons in Section .0300, general possession limits, and text prohibiting the alteration of appearance.

15A NCAC 10C .0801 Inland Game Fishes Designated in Coastal Fishing Waters (pages 86-87)

1 15A NCAC 10C .0101 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0101 SCOPE AND PURPOSE**

4 ~~(a) The following rules in this Section~~ pertain to the classification of the waters of North Carolina as coastal fishing
5 waters, inland fishing waters, and joint fishing waters. These rules are waters and shall be adopted jointly by
6 the Marine Fisheries Commission and the Wildlife Resources Commission.

7 ~~(b) In addition to the classification of the waters of the state these joint~~ These jointly adopted rules may set forth
8 guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and
9 which are regulated by the Wildlife Resources Commission. Finally, the

10 ~~(c) The joint rules set forth special fishing regulations applicable in joint waters that can~~ may be enforced by officers
11 of the division of marine fisheries and the Wildlife Resources Commission. marine fisheries inspectors and wildlife
12 officers. These regulations do rules shall not affect the jurisdiction of the Marine Fisheries Commission and the
13 Wildlife Resources Commission in any matters other than those specifically set out.

14
15 *History Note: Authority G.S. 113-134; 113-132; 113-136;*

16 *Eff. February 1, 1976;*

17 *Amended Eff. January 1, 1977.*

1 15A NCAC 10C .0102 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0102 INLAND FISHING WATERS**

4 ~~(a) Inland fishing are all inland waters except private ponds; and all waters connecting with or tributary to coastal~~
5 ~~sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters~~
6 ~~agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All those defined in G.S.~~
7 ~~113-129. All waters which are tributary to inland fishing waters and which that are not otherwise designated by~~
8 ~~agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule shall be~~
9 inland fishing waters.

10 ~~(b) The regulation and licensing of fishing in inland fishing waters is~~ shall be under the jurisdiction of the Wildlife
11 Resources Commission.

12 ~~(c) Regulations~~ Rules and laws administered by the Wildlife Resources Commission regarding fishing in inland
13 fishing waters ~~are~~ shall be enforced by wildlife ~~enforcement~~ officers.

14 ~~Note: A private pond is a body of water arising within and lying wholly upon the lands of a single owner or a single~~
15 ~~group of joint owners or tenants in common, and from which fish cannot escape, and into which fish of legal size~~
16 ~~cannot enter from public waters at any time. This does not include any impoundment located on land owned by a~~
17 ~~public body or governmental entity.~~

18
19 *History Note: Authority G.S. 113-134; 113-129; 113-132;*
20 *Eff. February 1, 1976;*
21 *Amended Eff. January 1, 1977.*

1 15A NCAC 10C .0103 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 10C .0103 COASTAL FISHING WATERS**

4 (a) Coastal fishing waters are the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing
5 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
6 the Wildlife Resources Commission, those defined in G.S. 113-129. All waters which are tributary to coastal fishing
7 waters and which that are not otherwise designated by agreement between the Marine Fisheries Commission and the
8 Wildlife Resources Commission are coastal fishing waters. in rule shall be coastal fishing waters.

9 (b) The regulations-regulation and licensing of fishing in coastal fishing waters is-waters, excluding joint fishing
10 waters, shall be under the jurisdiction of the Marine Fisheries Commission; except that the following inland game fish
11 (exclusive of spotted sea trout, red drum, flounder, white perch, yellow perch, weakfish, and striped bass)-are subject
12 to regulations-regulation by the Wildlife Resources Commission when found in coastal fishing waters.-waters:

13 (1) brown, brook, and rainbow trout;

14 (2) muskellunge, chain, and redbfin pickerel;

15 (3) Alabama , largemouth, smallmouth, and spotted bass;

16 (4) Roanoke and rock bass;

17 (5) kokanee salmon;

18 (6) black and white crappie;

19 (7) bluegill, redbreast, redear, pumpkinseed, warmouth, flier, and all other species in the Centrarchidae
20 family; and

21 (8) walleye and sauger.

22 (c) Regulations-Rules and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing
23 waters are waters, excluding joint fishing waters, shall be enforced by marine fisheries inspectors. Regulations Rules
24 and laws regarding inland game fish specified in Paragraph (b), when found in coastal fishing waters are-waters, shall
25 be enforced by wildlife protectors-officers, unless otherwise agreed to by the Wildlife Resources Commission.

26
27 *History Note: Authority G.S. 113-129; 113-132; 113-134; 113-182; 113-292;*

28 *Eff. February 1, 1976;*

29 *Amended Eff. July 1, 1991; January 1, 1977.*

1 15A NCAC 10C .0104 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 10C .0104 JOINT FISHING WATERS**

4 ~~(a) Joint fishing waters are those coastal fishing waters, hereinafter set out, denominated~~ defined in G.S. 113-129,
5 adopted by agreement of both the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to
6 G.S. ~~113-132(e).~~ 113-132(e) as joint fishing waters. All waters ~~which are~~ tributary to joint fishing waters ~~and which~~
7 ~~that~~ are not otherwise designated ~~by agreement between the Marine Fisheries Commission and the Wildlife Resources~~
8 ~~Commission are classified as in rule shall be~~ joint fishing waters. ~~The regulation and licensing of fishing in joint~~
9 ~~waters shall be as stated in 15A NCAC 10C .0106.~~

10 (b) Rules and laws regarding fishing in joint fishing waters may be enforced by both marine fisheries inspectors and
11 wildlife officers.

12
13 *History Note: Authority G.S. 113-132; 113-134; 113-292;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. January 1, 1977.*

1 15A NCAC 10C .0105 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0105 POSTING DIVIDING LINES**

4 ~~(a) The dividing lines of all major bodies of water and watercourses which are divided by the agreement of agreed~~
5 ~~upon by the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same~~
6 ~~waterbody are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with~~
7 ~~signs insofar as may be practicable. practicable, and designated on maps available free of charge, online at~~
8 ~~www.ncwildlife.org. Unmarked and undesignated tributaries shall have the same classification as the designated~~
9 ~~waters to which they connect or into which they flow.~~

10 ~~(b) No unauthorized~~ Unauthorized removal or relocation of ~~any such marker markers~~ shall have ~~the no effect of~~
11 ~~changing on~~ the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or
12 relocation or the absence of ~~any a~~ marker affect the applicability of any regulations pertaining to any ~~such~~ body of
13 water or portion thereof.

14
15 *History Note: Authority G.S. 113-132; 113-134;*

16 *Eff. January 1, 1977.*

1 15A NCAC 10C .0106 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 10C .0106 APPLICABILITY OF ~~REGULATIONS~~ RULES: JOINT FISHING WATERS**

4 (a) All coastal fishing laws and ~~regulations~~ rules administered by the Department of ~~Environment, Health, and Natural~~
5 ~~Resources~~ Environmental Quality and the Marine Fisheries Commission shall apply to joint fishing waters except as
6 otherwise ~~provided and shall be enforced by fisheries enforcement officers~~ provided.

7 (b) The following inland fishing laws and ~~regulations~~ rules administered by the Wildlife Resources Commission shall
8 apply to joint fishing waters and ~~shall be enforced by wildlife enforcement officers~~ waters:

9 (1) all laws and ~~regulations~~ rules pertaining to inland game ~~fishes~~ fishes specified in Rule .0103;

10 ~~(2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing;~~

11 ~~(3)(2)~~ (2) all laws and ~~regulations~~ rules pertaining to hook and line fishing except as hereinafter ~~provided~~.
12 provided; and

13 (3) all laws and rules pertaining to fish, crustacea, and mollusks identified on the protected animal list,
14 as defined in G.S. 113-331.

15
16 *History Note:* Authority G.S. 113-132; 113-134; 113-271; 113-275; 113-182; 113-292; 113-333;

17 *Eff. January 1, 1977;*

18 *Amended Eff. April 1, 1990; April 15, 1979.*

1 15A NCAC 10C .0107 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 10C .0107 SPECIAL REGULATIONS: REGULATIONS FOR JOINT FISHING WATERS**

4 ~~The following requirements shall apply in joint fishing waters and in order to effectively manage all fisheries resources~~
5 ~~in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife~~
6 ~~enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources~~
7 ~~Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of~~
8 the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint
9 waters under the provisions of 15A NCAC 10C .0106:

10 (1) Striped Bass

- 11 (a) ~~It is it shall be~~ unlawful to possess any striped bass or striped bass hybrid that is less than
12 18 inches long (total length).
13 (b) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids between the lengths
14 of 22 and 27 inches (total length) in joint fishing waters of the Central Southern
15 Management Area as designated in 15A NCAC 03R .0201.
16 (c) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids May through
17 September in the joint fishing waters of the Central Southern Management Area and the
18 Albemarle Sound Management Area.
19 (d) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids taken from the joint
20 fishing waters of the Cape Fear River.
21 (e) ~~It is it shall be~~ unlawful to possess more than one daily creel limit of striped bass or striped
22 bass hybrids, in the aggregate, per person per day, regardless of the number of management
23 areas fished.
24 (f) ~~Possession-possession~~ of fish shall be assessed for the creel and size limits of the
25 management area in which the individual is found to be fishing, regardless of the size or
26 creel limits for other management areas visited by that individual in a given day.
27 (g) ~~It is it shall be~~ unlawful to engage in net fishing for striped bass or their hybrids in joint
28 waters except as authorized by rules of the Marine Fisheries Commission.

29 (2) Lake Mattamuskeet

- 30 (a) ~~It is it shall be~~ unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals
31 designated as joint waters.
32 (b) ~~It is it shall be~~ unlawful to use or attempt to use any trawl net or seines in Lake
33 Mattamuskeet canals designated as joint waters.

34 (3) Cape Fear River. ~~It is~~ shall be unlawful to use or attempt to use any net, net stakes or electrical
35 fishing device within 800 feet of the dam at Lock No. 1 on the Cape Fear River.

36 (4) ~~Shad: It is it shall be~~ unlawful to possess more than 10 American shad or hickory shad, in the
37 aggregate, per person per day taken by hook and line.

1

2 *History Note:* Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;

3 *Eff. January 1, 1977;*

4 *Amended Eff. July 1, 2008; May 1, 2005; August 1, 2000; July 1, 1993; November 1, 1991; January*

5 *1, 1991; August 1, 1985.*

1 15A NCAC 10C .0108 is proposed for readoption by repeal as follows:

2
3 **15A NCAC 10C .0108 SPECIFIC CLASSIFICATION OF WATERS**

4 ~~The several sounds and estuarine and tributary waters all or portions of which are specifically classified as inland,~~
5 ~~joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources~~
6 ~~Commission are listed in the regulations of the Marine Fisheries Commission under 15A NCAC 3Q .0200 and such~~
7 ~~list and classification is incorporated herein by reference, shall include any later amendments, and is made a part of~~
8 ~~this Section to the same extent as if the same were fully set forth herein.~~

9
10 *History Note:* Authority G.S. 113-129; 113-132; 113-134; 150B-14;
11 Eff. January 1, 1977;
12 Amended Eff. July 1, 1993; January 1, 1981; January 1, 1978.

1 15A NCAC 10C .0109 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0109 PROTECTION OF SEA TURTLES**

4 Pursuant to a cooperative agreement entered into on the fifth day of February, 1979, by the Department of
5 Environment, Health, and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources
6 Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtles,
7 and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and
8 Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries
9 Commission and the Wildlife Resources Commission have jurisdiction to enforce any state laws and ~~regulations, rules,~~
10 including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles and their eggs
11 and nests.

12
13 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-181; 113-182; 113-224; 113-305;*

14 *Eff. April 29, 1979;*

15 *Amended Eff. April 1, 1990.*

1 15A NCAC 10C .0110 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 10C .0110 MANAGEMENT ~~RESPONSIBILITY FOR OF~~ ESTUARINE STRIPED BASS IN**
4 **~~JOINT WATER~~THE ALBEMARLE SOUND AND ROANOKE RIVER**
5 **MANAGEMENT AREAS**

6 ~~(a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC~~
7 ~~03R .0201.~~

8 ~~(b)(a) In order to~~ To effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-
9 Roanoke River stock of estuarine striped bass, the Marine Fisheries Commission and the Wildlife Resources
10 Commission deem it necessary to establish two management areas: ~~the Albemarle Sound Management Area and the~~
11 ~~Roanoke River Management Area as designated in 15A NCAC 03R .0201.~~

12 (1) the Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and
13 inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck,
14 Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet,
15 north of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point,
16 running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest
17 Bay.

18 (2) the Roanoke River Management Area is designated as Roanoke River and its joint and inland
19 tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.

20 ~~(b)~~ The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the
21 joint and inland and joint fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission
22 shall have principal management responsibility for the stock in the coastal, ~~joint~~ joint and inland waters of the
23 Albemarle Sound Management Area.

24 (c) The annual quota for recreational harvest of the Albemarle Sound Roanoke River striped bass stock shall be divided
25 equally between the two management areas. Each Commission shall implement management actions for recreational
26 harvest within their respective management areas that shall be consistent with the North Carolina Estuarine Striped
27 Bass Fishery Management Plan, areas.

28 (d) To preserve jurisdictional authority of each Commission, the following means are established through which
29 management measures may be implemented in the following management areas:

30 (1) in the Roanoke River Management Area, the exclusive authority to open and close seasons and
31 areas, and establish size and creel limits, whether inland or joint fishing waters, shall be vested in
32 the Wildlife Resources Commission.

33 (2) in the Albemarle Sound Management Area, the exclusive authority to open and close seasons and
34 areas, and establish size and creel limits, whether coastal or joint fishing waters, shall be vested in
35 the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the
36 North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be taken.

1 *History Note:* *Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;*
2 *Eff. January 1, 1991;*
3 *Amended Eff. June 1, 2005.*

1 15A NCAC 10C .0111 is proposed for readoption by repeal as follows:

2
3 **15A NCAC 10C .0111 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:**
4 **RECREATIONAL FISHING**

5 ~~The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management~~
6 ~~plans for recreational fishing pursuant to their respective rulemaking powers. To preserve jurisdictional authority of~~
7 ~~each Commission, the following means are established through which management measures can be implemented by~~
8 ~~a single instrument in the following management areas:~~

9 (1) ~~In the Roanoke River Management Area, the exclusive authority to open and close seasons and~~
10 ~~areas and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the~~
11 ~~Wildlife Resources Commission. An instrument closing any management area in joint waters shall~~
12 ~~operate as a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke~~
13 ~~River Management Area.~~

14 (2) ~~In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and~~
15 ~~areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in~~
16 ~~the Marine Fisheries Commission. The season shall close by Marine Fisheries Commission~~
17 ~~proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area~~
18 ~~administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and~~
19 ~~coastal waters, excluding the Roanoke River Management Area shall automatically be implemented~~
20 ~~and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the~~
21 ~~waters affected.~~

22
23 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;*
24 *Eff. January 1, 1991;*
25 *Amended Eff. June 1, 2005.*

The agency proposes the following changes to the title of Section .0300 of the NCAC:

SECTION .0300 – GAME FISH IN INLAND FISHING WATERS

15A NCAC 10C .0301 is proposed for amendment as follows:

15A NCAC 10C .0301 INLAND GAME FISHES DESIGNATED

(a) The following fishes are classified and designated as inland game fishes: fishes in inland, joint, and coastal fishing waters:

- ~~(1) — mountain trout, all species including but not limited to rainbow, brown and brook trout;~~
- ~~(2) — muskellunge, chain (jack) and redbfin pickerel;~~
- ~~(3) — yellow perch, when found in inland waters, walleye and sauger;~~
- ~~(4) — black bass, including Alabama, largemouth, smallmouth, spotted and redeye bass;~~
- ~~(5) — black and white crappie;~~
- (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
- (2) black crappie and white crappie;
- (3) chain pickerel (jack), muskellunge, and redbfin pickerel;
- (4) kokanee salmon;
- (5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;
- (6) sauger and walleye; and
- (7) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker), ~~pumpkinseed, warmouth, Roanoke bass, rock bass, bass (redeye), flier, Roanoke bass, warmouth,~~ and all other species of the sunfish family (Centrarchidae) not specifically listed in this ~~Rule; Rule.~~

(b) The following fishes are classified as inland game fishes when found in inland fishing waters:

- ~~(7) — spotted sea trout (speckled trout), when found in inland fishing waters;~~
- ~~(8) — flounder, when found in inland fishing waters;~~
- ~~(9) — red drum (channel bass, red fish, puppy drum), when found in inland fishing waters;~~
- ~~(10) — striped bass, white bass, white perch and Morone hybrids (striped bass white bass), when found in inland fishing waters;~~
- ~~(11)(1) American shad and hickory shad; shad, when found in inland fishing waters;~~
- ~~(12) — kokanee salmon; and~~
- ~~(13)(2) black bullhead, brown bullhead, flat bullhead, snail bullhead, white catfish, and yellow bullhead; bullhead, when found in inland fishing waters.~~
- (3) flounder;
- (4) red drum (channel bass, red fish, puppy drum);
- (5) spotted sea trout (spekeled trout);
- (6) striped bass, white bass, white perch, and Morone hybrids (striped bass-white bass); and

1 (7) yellow perch.

2

3 *History Note:* *Authority G.S. 113-134;*

4 *Eff. February 1, 1976;*

5 *Amended Eff. June 1, 2005; June 1, 2004; July 1, 1996; July 1, 1990; July 1, 1983; January 1, 1981;*

6 *January 1, 1980;*

7 *Readopted Eff. August 1, 2020.*

1 15A NCAC 10C .0302 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0302 MANNER OF TAKING INLAND GAME FISHES**

4 (a) Inland game fishes may only be taken with hook and line unless otherwise provided.

5 (b) Landing nets may be used to land fishes caught on hook and line.

6 (c) Game fishes taken incidental ~~to~~ to

7 ~~(1) commercial fishing operations in joint fishing waters or coastal fishing waters shall be immediately~~
8 ~~returned to the water unharmed.~~

9 ~~(2)~~ the use of special devices for taking nongame fishes from inland fishing waters as authorized in
10 ~~Rule .0402 of this Subchapter~~ 15A NCAC 10C .0402 or as authorized by 15A NCAC 10C .0407 by
11 anglers licensed under G.S. 113-272.2(c) shall be immediately returned to the water unharmed
12 except:

13 ~~(A)(1)~~ that a daily creel limit of American and hickory shad may be taken with dip nets and bow
14 nets from March 1 through April 30 in those waters where such gear may be lawfully used;
15 and

16 ~~(B)(2)~~ white perch may be taken when captured in a cast net being used to collect nongame fishes
17 in all impounded waters west of Interstate 95 and in the Tar River Reservoir (Nash County).

18 (d) Inland game fishes taken from Inland Fishing Waters shall not be sold.

19 (e) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless hook or a lure with
20 a single barbless hook may be used from 1 April to 30 June. "Barbless" as used in this Rule requires that the hook
21 does not have a barb or the barb is bent down.

22
23 *History Note: Authority G.S. 113-134; 113-272.3; 113-292;*

24 *Eff. February 1, 1976;*

25 *Amended Eff. July 1, 1996; October 1, 1994; July 1, 1993; May 1, 1992; January 1, 1982;*

26 *Temporary Amendment Eff. November 1, 1998;*

27 *Amended Eff. August 1, 2014; August 1, 2002; April 1, 1999;*

28 *Readopted Eff. October 1, 2021.*

1 15A NCAC 10C .0304 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0304 TAKING AND POSSESSION OF INLAND GAME FISHES**

4 ~~(a) It is unlawful to take in one day more than the daily creel limit of those species of inland game fish having a~~
5 ~~specified creel limit; to possess more fish than the daily creel limit in effect on those waters being fished; to possess~~
6 ~~any fish outside of the size limit in effect on those waters being fished; to possess more fish than the daily creel limit~~
7 ~~while boating or afield; or to possess at any place more than three days creel limit. It is unlawful to destroy~~
8 ~~unnecessarily any inland game fish taken from public fishing waters.~~

9 (a) Individuals shall only take up to the daily creel limit of those species of inland game fish having a specified creel
10 limit.

11 (b) Individuals shall only possess on those waters being fished:

- 12 (1) the specified daily creel limit for the species;
13 (2) fish conforming to the size limit for the species; and
14 (3) the daily creel limit while fishing or afield.

15 ~~(b)(c) Individuals shall only possess up to three days creel limit at any place.~~

16 ~~(d) No person person, while fishing or afield, shall shall: remove the head or tail or otherwise change the appearance~~
17 ~~of any game fish having a minimum size limit so as to render it impracticable to measure its total original length. No~~
18 ~~person while fishing shall change the appearance of any game fish having a daily creel limit so as to obscure its~~
19 ~~identification or render it impracticable to count the number of fish in possession.~~

- 20 (1) unnecessarily destroy any inland game fish taken from inland fishing waters;
21 (2) remove the head or tail or otherwise change the appearance of any game fish having a size limit so
22 to render it impracticable to measure its total original length; or
23 (3) change the appearance of any game fish having a daily creel limit so to obscure its identification or
24 render it impracticable to count the number of fish in possession.

25
26 *History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;*
27 *Eff. February 1, 1976;*
28 *Amended Eff. July 1, 1998; July 1, 1991; July 1, 1988; January 1, 1981.*

1 15A NCAC 10C .0305 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0305 LARGEMOUTH BASS**

4 (a) The daily creel limit for Largemouth Bass is five fish, except in waters identified in Paragraphs ~~(b), (c), (d), (j),~~
5 ~~and (l)~~ (d), (e), (f), (l), (m), and (n) of this Rule.

6 (b) There is no minimum size limit for Largemouth Bass, but only two of them may be less than 14 inches except in
7 waters identified in Paragraphs ~~(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l)~~ (d) through (n) of this Rule.

8 (c) There is no closed season, except for waters identified in Paragraph (l) of this Rule.

9 ~~(b)(d)~~ In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth
10 Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

11 ~~(e)(e)~~ In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass
12 less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish
13 in aggregate.

14 ~~(d)(f)~~ In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass,
15 and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.

16 ~~(e)(g)~~ The minimum size limit for Largemouth Bass is 14 inches in the following:

- 17 (1) Lake Raleigh in Wake County;
- 18 (2) Lake Sutton in New Hanover County;
- 19 (3) Pungo Lake in Washington and Hyde counties;
- 20 (4) New Lake in Hyde County; and
- 21 (5) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River
22 downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank
23 River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River,
24 Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the NC Hwy
25 264/45 bridge, and all other associated tributaries and canals in these river systems.

26 ~~(f)(h)~~ In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size
27 limit for Largemouth Bass is 16 inches.

28 ~~(g)(i)~~ In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches,
29 and no fish between 16 and 20 inches may be possessed.

30 ~~(h)(j)~~ In Shearon Harris Reservoir in Chatham and Wake counties and Lake Hampton in Yadkin County, there is no
31 minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and no Largemouth Bass
32 between 16 and 20 inches may be possessed.

33 ~~(i)(k)~~ In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.

34 ~~(j)(l)~~ In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily
35 creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass is five fish in aggregate. There is no minimum
36 size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and only one
37 Largemouth Bass, Smallmouth Bass, or Spotted Bass greater than 22 inches may be possessed.

1 ~~(k)(m)~~ In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is
2 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.

3 ~~(4)(n)~~ In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds
4 associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.

5
6 *History Note: Authority G.S. 113-134; 113-292;*
7 *Eff. February 1, 1976;*
8 *Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;*
9 *Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;*
10 *Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;*
11 *Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;*
12 *Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule*
13 *becomes effective, whichever is sooner;*
14 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;*
15 *Temporary Amendment Eff. November 1, 1998;*
16 *Amended Eff. April 1, 1999;*
17 *Temporary Amendment Eff. July 1, 1999;*
18 *Amended Eff. July 1, 2000;*
19 *Temporary Amendment Eff. July 1, 2001;*
20 *Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent*
21 *amendment effective July 1, 2002 and approved by RRC in May 2001];*
22 *Amended Eff. August 1, 2002 (approved by RRC in April 2002);*
23 *Temporary Amendment Eff. June 1, 2003;*
24 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
25 *2003);*
26 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; November 1, 2013; August 1, 2012;*
27 *March 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1,*
28 *2007; May 1, 2006; June 1, 2005;*
29 *Readopted Eff. August 1, 2019;*
30 *Amended Eff. August 1, 2021; August 1, 2020.*

1 15A NCAC 10C .0306 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0306 CRAPPIE**

4 (a) There is no daily creel limit for Crappie, except for waters identified in Paragraphs ~~(b), (c), (d), (e), and (f)~~ (d)
5 through (h) of this Rule.

6 (b) There is no minimum size limit ~~for these fish, except for in~~ waters identified in Paragraphs ~~(d), (e), and (f)~~ (f)
7 through (h) of this Rule.

8 (c) There is no closed season.

9 ~~(b)(d)~~ In Buckhorn Reservoir in Wilson and Nash counties, the daily creel limit is 20 fish.

10 ~~(e)(e)~~ In Lake Chatuge in Clay County, the daily creel limit is 30 fish.

11 ~~(d)(f)~~ In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:

- 12 (1) B. Everett Jordan Reservoir;
- 13 (2) Roanoke River and its tributaries downstream of Roanoke Rapids dam;
- 14 (3) Cashie River and its tributaries;
- 15 (4) Middle River and its tributaries;
- 16 (5) Eastmost River and its tributaries; and
- 17 (6) Lake Mattamuskeet and associated canals in Hyde County.

18 ~~(e)(g)~~ In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:

- 19 (1) Lake Norman;
- 20 (2) Lake Hyco;
- 21 (3) Lake Ramseur;
- 22 (4) Cane Creek Lake (Union County);
- 23 (5) Lake Hampton (Yadkin County);
- 24 (6) Tar River downstream of Tar River Reservoir Dam and all tributaries;
- 25 (7) Neuse River downstream of Falls Lake Dam and all tributaries;
- 26 (8) Haw River downstream of Jordan Lake Dam and all tributaries;
- 27 (9) Deep River downstream of Lockville Dam and all tributaries;
- 28 (10) Cape Fear River and all tributaries;
- 29 (11) Waccamaw River downstream of Lake Waccamaw Dam and all tributaries;
- 30 (12) Lumber River including Drowning Creek and all tributaries;
- 31 (13) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County,
- 32 Sutton Lake in New Hanover County, and waters listed in Paragraph ~~(d)(f)~~ of this Rule; and
- 33 (14) all public waters west of Interstate 77, except Lake Chatuge.

34 ~~(f)(h)~~ In John H. Kerr Reservoir, the daily creel limit is 25 fish and the minimum size limit is nine inches.

35
36 *History Note: Authority G.S. 113-134; 113-292;*

37 *Eff. November 1, 2013;*

1 *Amended Eff. August 1, 2017; August 1, 2016; August 1, 2015;*
2 *Readopted Eff. August 1, 2019;*
3 *Amended Eff. August 1, 2020.*

1 15A NCAC 10C .0307 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0307 ~~FLOUNDER, SEA TROUT, AND RED DRUM~~ FLOUNDER**

4 ~~In inland fishing waters, Sea Trout (Spotted or Speckled), Flounder, and Red Drum (also known as Channel Bass, Red~~
5 ~~Fish or Puppy Drum) recreational seasons, size limits, and creel limits are the same as those established in the Rules~~
6 ~~of the Marine Fisheries Commission or proclamations issued by the Fisheries Director in adjacent joint or coastal~~
7 ~~fishing waters.~~

8 (a) The daily creel limit for flounder is four fish.

9 (b) The minimum size limit is 15 inches.

10 (c) The season for taking and possessing flounder is September 1 through September 14.

11
12 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

13 *Eff. November 1, 2013;*

14 *Readopted Eff. October 1, 2021.*

1 15A NCAC 10C .0308 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0308 KOKANEE SALMON**

4 (a) The daily creel limit for ~~Kokanee Salmon~~ kokanee salmon is four fish.

5 (b) There is no minimum size limit. ~~limit for Kokanee Salmon.~~

6 (c) There is no closed season. ~~season for Kokanee Salmon.~~

7
8 *History Note: Authority G.S. 113-134; 113-292;*

9 *Eff. November 1, 2013;*

10 *Readopted Eff. August 1, 2020.*

1 15A NCAC 10C .0313 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0313 AMERICAN SHAD AND HICKORY SHAD ~~(AMERICAN AND HICKORY)~~**

4 (a) The daily creel limit for American and ~~Hickory Shad~~ hickory shad in the aggregate is 10 fish, only one of which
5 may be an American ~~Shad, shad,~~ except for waters identified in Paragraphs ~~(b), (c) and~~ (d) through (f) of this Rule.

6 ~~(b)~~ There is no minimum size limit. ~~limit for these fish.~~

7 ~~(c)~~ There is no closed season, except for waters identified in Paragraph ~~(e)~~ (g) of this Rule.

8 ~~(b)(d)~~ In the inland waters of the Tar-Pamlico River, Pungo River, Pee Dee River, and their tributaries, the daily creel
9 limit for American and ~~Hickory Shad~~ hickory shad is 10 in the aggregate.

10 ~~(e)(c)~~ In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and ~~Hickory~~
11 ~~Shad~~ hickory shad is 10 in the aggregate, only five of which may be American ~~Shad, shad.~~

12 ~~(d)(f)~~ In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no American ~~Shad, shad~~ may be
13 possessed.

14 ~~(e)(g)~~ The season for taking American and ~~Hickory Shad~~ hickory shad with dip nets and bow nets is March 1 through
15 April 30.

16
17 *History Note: Authority G.S. 113-134; 113-292;*

18 *Eff. November 1, 2013;*

19 *Readopted Eff. August 1, 2019.*

1 15A NCAC 10C .0314 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for ~~Striped Bass~~ striped bass and its hybrids is four fish in the aggregate, except in waters
5 identified in Paragraphs ~~(b), (c), (f), (g), (h), (i), and (j)~~ (d), and (g) through (l) of this Rule.

6 (b) The minimum size limit for these fish is 20 inches, except in waters identified in Paragraphs ~~(b), (c), (d), (e), (f),~~
7 ~~(g), (h), (i), and (j)~~ (d) through (l) of this Rule.

8 (c) There is no closed season, except for waters identified in Paragraphs ~~(g), (h), (i), (j), and (k)~~ (i) through (m) of this
9 Rule.

10 ~~(b)(d)~~ In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA
11 and in John H. Kerr Reservoir, the daily creel limit on ~~Striped Bass~~ striped bass and its hybrids is two in the aggregate
12 and the minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the
13 daily creel limit on ~~Striped Bass~~ striped bass and its hybrids is four in the aggregate with no minimum size limit.

14 ~~(e)(c)~~ In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for ~~Striped Bass~~ striped bass and its
15 hybrids is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1
16 through September 30.

17 ~~(d)(f)~~ In Lake Norman, Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex,
18 Lake Townsend, and Salem Lake the minimum size limit for ~~Striped Bass~~ striped bass and its hybrids is 16 inches.

19 ~~(e)(g)~~ In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit,
20 but only two may be greater than 22 inches.

21 ~~(f)(h)~~ In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to
22 the South Carolina state line, the daily creel limit for ~~Striped Bass~~ striped bass and its hybrids is three fish in the
23 aggregate, and the minimum size limit is 18 inches.

24 ~~(g)(i)~~ In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream
25 to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of
26 Interstate 95 not specified in Paragraphs ~~(f), (h), (i), and (j)~~ and (j) through (l) of this Rule, the daily creel limit for
27 ~~Striped Bass~~ striped bass and its hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these
28 waters, the season for taking and possessing ~~Striped Bass~~ striped bass is closed from May 1 through September 30.

29 ~~(h)(j)~~ In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the
30 ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing ~~Striped Bass~~
31 striped bass is closed year-round.

32 ~~(i)(k)~~ In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as ~~established in~~
33 ~~15A NCAC 03R-0201 and identified in 15A NCAC 10C .0110, .0110(a)(2),~~ which includes the Roanoke, Cashie,
34 Middle, and Eastmost rivers and their tributaries, the open season for taking and possessing ~~Striped Bass~~ striped bass
35 and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound
36 upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for ~~Striped Bass~~ striped bass and
37 its hybrids is two fish in the aggregate, and the minimum size limit is 18 inches. No fish between 22 inches and 27

1 inches in length shall be possessed in the daily creel limit. Only one fish larger than 27 inches may be possessed in
2 the daily creel limit.

3 ~~(j)(l)~~ In designated inland and joint fishing waters of ~~Roanoke Sound, Croatan Sound, the Albemarle Sound, Chowan~~
4 ~~River, Currituck Sound, Alligator River, Scuppernon River, and their tributaries (excluding the Roanoke River and~~
5 ~~Cashie River and their tributaries),~~ Sound Management Area, as identified in 15A NCAC 10C .0110(a)(1), the ~~Striped~~
6 ~~Bass~~ striped bass fishing season, size limits, and creel limits are the same as those established by rules or proclamations
7 of the Marine Fisheries Commission in adjacent ~~joint or~~ coastal fishing waters.

8 ~~(k)(m)~~ In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-
9 and-line season for ~~Striped Bass~~ striped bass in the inland and joint waters of coastal rivers and their tributaries. It is
10 unlawful to violate the provisions of any proclamation issued under this authority.

11
12 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*
13 *Eff. November 1, 2013;*
14 *Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*
15 *Readopted Eff. August 1, 2019;*
16 *Amended Eff. August 1, 2021; August 1, 2020.*

1 15A NCAC 10C .0316 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0316 MOUNTAIN TROUT**

4 (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit
5 for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated
6 in Paragraph (g) of this Rule.

7 (b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The
8 minimum size limit for these fish is seven inches. There is no closed season.

9 (c) No trout may be harvested from Catch and Release/Artificial Flies and Lures Only Trout Waters. Trout may not
10 be possessed while fishing these waters.

11 (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for
12 these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12
13 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first
14 Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October
15 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed
16 while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on
17 the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

18 (e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:

19 (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum
20 size limit, but only one may be greater than 14 inches. There is no closed season.

21 (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the
22 daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

23 (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these
24 fish.

25 (g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the
26 impounded waters of the following power reservoirs and municipally-owned water supply reservoirs open to the
27 public for fishing.

28 (1) Bear Creek Lake;

29 (2) Buckeye Creek Reservoir;

30 (3) Calderwood Reservoir;

31 (4) Cedar Cliff Lake;

32 (5) Cheoah Reservoir;

33 (6) Cliffside Lake;

34 (7) Tanassee Creek Lake;

35 (8) Queens Creek Lake; and

36 (9) Wolf Lake.

1 (h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing
2 season.

3 (i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.
4

5 *History Note: Authority G.S. 113-134; 113-292;*

6 *Eff. November 1, 2013;*

7 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;*

8 *Readopted Eff. August 1, 2019;*

9 *Amended Eff. August 1, 2021; August 1, 2020.*

1 15A NCAC 10C .0318 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0318 WHITE BASS**

4 (a) The daily creel limit for ~~White Bass~~ white bass is 10 fish.

5 (b) There is a ~~14-14~~-inch minimum size limit. ~~limit for these fish.~~

6 (c) There is no closed season. ~~season for White Bass.~~

7
8 *History Note: Authority G.S. 113-134; 113-292;*

9 *Eff. November 1, 2013.*

10 *Amend Eff. August 1, 2017.*

1 15A NCAC 10C .0319 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0319 WHITE PERCH**

4 (a) There is no daily creel limit for ~~White Perch.~~ white perch.

5 (b) There is no minimum size limit.

6 (c) There is no closed season.

7 (d) In and west of Haywood, Buncombe, and Rutherford counties, it is unlawful to transport, possess, or release live
8 ~~White Perch.~~ white perch.

9 (e) White perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal
10 consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).

11
12 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

13 *Eff. November 1, 2013;*

14 *Amended Eff. August 1, 2016;*

15 *Readopted Eff. October 1, 2021.*

1 15A NCAC 10C .0321 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0321 SMALLMOUTH BASS**

4 (a) The daily creel limit for ~~Smallmouth Bass~~ smallmouth bass is five fish, except in waters identified in Paragraphs
5 ~~(b), (c), and (d)~~ (d) through (f) of this Rule.

6 (b) There is no minimum size limit for ~~Smallmouth Bass~~, smallmouth bass, but only two of them may be less than 14
7 inches except in waters identified in Paragraphs ~~(b), (c), and (d)~~ (f) of this Rule.

8 (c) There is no closed season.

9 ~~(b)(d)~~ In Lake Santeetlah in Graham County, there is no daily creel limit for ~~Largemouth Bass~~ largemouth bass and
10 ~~Smallmouth Bass~~ smallmouth bass less than 14 inches. The daily creel limit for ~~Largemouth Bass~~ largemouth bass
11 and ~~Smallmouth Bass~~ smallmouth bass greater than 14 inches is five fish in aggregate.

12 ~~(e)(e)~~ In Lake Chatuge in Clay County, the daily creel limit for ~~Largemouth Bass, Smallmouth Bass, Alabama Bass,~~
13 ~~and Spotted Bass~~ largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate. There is
14 no minimum size limit for ~~Smallmouth Bass~~, smallmouth bass.

15 ~~(d)(f)~~ In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the
16 daily creel limit for ~~Largemouth Bass, Smallmouth Bass, and Spotted Bass~~ largemouth bass, smallmouth bass, and
17 spotted bass is five fish in aggregate. There is no minimum size limit for ~~Smallmouth Bass~~, smallmouth bass, but no
18 fish between 14 and 22 inches in length may be possessed and only one ~~Largemouth Bass, Smallmouth Bass, or~~
19 ~~Spotted Bass~~ largemouth bass, smallmouth bass, or spotted bass greater than 22 inches may be possessed.

20
21 *History Note: Authority G.S. 113-134; 113-292;*

22 *Eff. August 1, 2020;*

23 *Amended Eff. August 1, 2021.*

1 15A NCAC 10C .0322 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0322 ALABAMA BASS AND SPOTTED BASS**

4 (a) There is no daily creel limit for Alabama ~~Bass or Spotted Bass~~, bass or spotted bass, except for waters identified
5 in Paragraphs ~~(b)(d)~~ and ~~(e)(c)~~ of this Rule.

6 (b) There is no minimum size ~~limit~~ limit.

7 (c) There is ~~no~~ or closed season.

8 ~~(b)(d)~~ In Lake Chatuge in Clay County, the daily creel limit for ~~Largemouth Bass, Smallmouth Bass, Alabama Bass,~~
9 ~~and Spotted Bass~~ largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate.

10 ~~(e)(c)~~ In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the
11 daily creel limit for ~~Largemouth Bass, Smallmouth Bass, and Spotted Bass~~ largemouth bass, smallmouth bass, and
12 spotted bass is five fish in aggregate. There is no minimum size limit for ~~Spotted Bass, spotted bass~~, but no fish
13 between 14 and 22 inches in length may be possessed and only one ~~Largemouth Bass, Smallmouth Bass, or Spotted~~
14 ~~Bass~~ largemouth bass, smallmouth bass, or spotted bass greater than 22 inches may be possessed.

15
16 *History Note: Authority G.S. 113-134; 113-292;*

17 *Eff. August 1, 2020;*

18 *Amended Eff. August 1, 2021.*

1 15A NCAC 10C .0323 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0323 REDEYE BASS**

4 (a) The daily creel limit for ~~Redeye Bass~~ redestye bass is five fish.

5 (b) There is no minimum size limit for ~~Redeye Bass~~, redestye bass, but only two of them may be less than 14 inches.

6 (c) There is no closed season.

7
8 *History Note: Authority G.S. 113-134; 113-292;*

9 *Eff. August 1, 2020.*

1 15A NCAC 10C .0324 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0324 ~~CATFISH~~BULLHEADS**

4 ~~(a) The daily creel limit for Black Bullhead, Brown Bullhead, Flat Bullhead, Snail Bullhead, White Catfish, and~~
5 ~~Yellow Bullhead~~ black bullhead, brown bullhead, flat bullhead, snail bullhead, white catfish, and yellow bullhead is
6 10 fish in aggregate.

7 ~~(b) There is no minimum size~~ limit.

8 ~~(c) There is no or-closed season. season for Black Bullhead, Brown Bullhead, Flat Bullhead, Snail Bullhead, White~~
9 ~~Catfish, and Yellow Bullhead.~~

10
11 *History Note: Authority G.S. 113-134; 113-292;*
12 *Eff. August 1, 2020.*

1 15A NCAC 10C .0325 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0325 SEA TROUT**

4 (a) The daily creel limit for sea trout (spotted or speckled) is four fish.

5 (b) The minimum size limit is 14 inches.

6 (c) There is no closed season.

7
8 History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305

1 15A NCAC 10C .0326 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0326 RED DRUM**

4 (a) The daily creel limit for red drum (also known as channel bass, red fish or puppy drum) is one fish.

5 (b) The minimum size limit is 18 inches and no fish over 27 inches may be possessed in the daily creel limit.

6 (c) There is no closed season.

7
8 History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305

The agency proposes the following changes to the title of Section .0400 of the NCAC:

**SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS NONGAME FISH
IN INLAND FISHING WATERS**

15A NCAC 10C .0401 is proposed for amendment as follows:

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES

(a) Except as permitted by the rules in this Section, ~~it is unlawful no person shall to~~ take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line, grabbling, or special device with a special device fishing ~~license~~ license, or inland fishing license.

(b) Nongame fishes may be taken ~~from inland fishing waters by hook and line, grabbling, or special device with a special device fishing license~~ at any time without restriction as to size limits or creel limits, except as ~~designated~~ specified in this ~~Rule~~ Section.

(c) Special devices ~~may only be used to take nongame fishes with a special device fishing license shall only be used~~ in those counties and waters with open season designated in ~~Rule .0407 of this Section~~ 15A NCAC 10C .0407.

(d) Archery equipment ~~may used with either a hunting license or inland fishing license may only be used to take~~ nongame fishes year-round in all inland fishing waters, except:

- (1) ~~for the take of catfish on in the~~ Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and in all tributaries, where only catfish can be taken;
- (2) in impounded waters located on the Sandhills Game Land; and
- (3) in public mountain trout waters.

(e) Set hooks, jug hooks, and trotlines may be used to take nongame fishes as designated in 15A NCAC 10C .0206.

(f) The season for taking nongame fishes by hook and line in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

~~(g) Freshwater mussels, including the Asiatic clam (Corbicula fluminea), may be taken only from impounded waters, except mussels shall not be taken in:~~

- ~~(1) Lake Waccamaw in Columbus County; and~~
- ~~(2) University Lake in Orange County.~~

~~The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (Corbicula fluminea).~~

~~(h) 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.~~

~~(i) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback herring) that are greater than six inches in length, or possess such herring regardless of origin in:~~

- ~~(1) Roanoke River downstream of Roanoke Rapids Dam;~~
- ~~(2) Tar River downstream of Rocky Mount Mill Dam;~~

- (3) Neuse River downstream of Falls Lake Dam;
- (4) Cape Fear River downstream of Buckhorn Dam;
- (5) Pee Dee River downstream of Blewett Falls Dam;
- (6) Lumber River, including Drowning Creek;
- (7) all the tributaries to the rivers listed above; and
- (8) all other inland fishing waters east of I 95.

(j) ~~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 or blue catfish by means other than hook and line; the daily creel limit for channel catfish is seven. Waters where this creel limit applies shall be posted on site with signs indicating the creel limit.~~

(k) ~~The daily creel limit for blue catfish greater than 32 inches is one fish in the following waters:~~

- (1) Lake Norman;
- (2) Mountain Island Lake;
- (3) Lake Wylie;
- (4) Badin Lake;
- (5) Lake Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Dan River (Downstream of the Union Street Dam in Danville, VA);
- (8) Lake Gaston (North Carolina portion); and
- (9) Roanoke Rapids Reservoir.

(l) ~~The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the South Carolina state line and all tributaries.~~

(m) ~~The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches. Eels greater than 9 inches in length and with a minimum body depth greater than 1/2 inch may be cut for use as bait.~~

(n) ~~Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Mountain Island Reservoir, and Lake Wylie, except that one fish per day may be taken with archery equipment.~~

(o) ~~Grass carp shall not be taken or possessed on Lake Norman and the North Carolina portion of John H. Kerr Reservoir, except for scientific study by permit issued by the Wildlife Resources Commission.~~

(p) ~~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.~~

(q) ~~No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish specified in Paragraphs (h), (i), (k), (m), and (p) of this Rule having a size limit so as to render it impractical to measure its total original length, except as provided in Paragraph (m) of this Rule. No person while fishing shall change the appearance of any nongame fish specified in Paragraphs (g), (h), (j), (k), (l), (m), (n), (o), and (p) of this Rule having~~

1 ~~a daily creel limit so as to obscure its identification or render it impractical to count the number of fish in possession,~~
2 ~~except as provided in Paragraph (m) of this Rule.~~

3 ~~(#) (g) Nongame fishes taken by hook and line, grabbling, or by special device with a special device fishing license~~
4 ~~may be sold, sold unless otherwise specified in this Section, with the following exceptions:~~

5 (1) ~~alewife and blueback herring, excluding those less than six inches in length collected from Kerr~~
6 ~~Reservoir (Granville, Vance, and Warren counties);~~

7 (2) ~~blue crab; and~~

8 (3) ~~bowfin.~~

9 ~~(s) Margined madtom and tadpole madtom shall not be taken or possessed from inland fishing waters.~~

10
11 *History Note: Authority G.S. 113-134; 113-272; 113-292;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;*

14 *Temporary Amendment Eff. December 1, 1994;*

15 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;*

16 *Temporary Amendment Eff. July 1, 1999;*

17 *Amended Eff. July 1, 2000;*

18 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*

19 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*

20 *Temporary Amendment Eff. June 1, 2003;*

21 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
22 *2003);*

23 *Amended Eff. August 1, 2019; August 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*
24 *August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
25 *1, 2007; May 1, 2006; June 1, 2005;*

26 *Readopted Eff. August 1, 2020;*

27 *Amended Eff. August 1, 2021.*

1 15A NCAC 10C .0402 is proposed for amendment as follows:

2
3 **15A NCAC 10C .0402 TAKING NONGAME FISHES BY SPECIAL DEVICE FOR BAIT OR PERSONAL**
4 **CONSUMPTION**

5 (a) The use of equipment specified in this Rule requires a valid license that provides basic inland fishing privileges.

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

- 8 (1) a net of dip net design not greater than six feet across;
- 9 (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where
10 there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- 11 (3) a cast net;
- 12 (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C
13 .0407;
- 14 (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
- 15 (6) a gig (except in Public Mountain Trout Waters);
- 16 (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC
17 10C .0407;
- 18 (8) up to two eel pots;
- 19 (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC
20 10C .0407;
- 21 (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not
22 exceeding one inch in diameter, from which all fish and animals are removed daily, and that are
23 labeled with the user's Wildlife Resources Commission customer number or name and address;
- 24 (11) a hand-held line with a single bait attached;
- 25 (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end
26 with a solid float no less than five inches in diameter, bearing legible and indelible identification of
27 the user's name and address, and under the immediate control and attendance of the person using
28 the device, with a limit of one line per person and no more than one line per vessel; or
- 29 (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design
30 is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom,
31 with a limit of one trap per person.

32 ~~(b) The use of equipment under this Rule requires a valid license that provides basic inland fishing privileges.~~

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

34 (d) Game fishes taken shall be returned unharmed to the water, except for the following: white perch may be taken
35 ~~when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded~~
36 ~~waters west of I 95 and in the Tar River Reservoir (Nash County).~~

- (1) American and hickory shad may be taken when captured with dip nets and bow nets from March 1 through April 30 subject to the size and creel limits specified in 15A NAC 10C .0313.
- (2) white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County) subject to the size and creel limits specified in 15A NCAC 10C .0319.
- (e) No person shall take or possess during one day more than 200 nongame fish, in aggregate, for bait or personal consumption ~~subject to the consumption, accounting for species specific size and creel limits identified in 15A NCAC 10C.0401 Section .0400.~~
- (f) Any fishes taken for bait purposes are included within the daily possession limit for that species.
- (g) It is unlawful to take nongame fish for bait from the following waters:
- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);
 - (2) Bear Creek in Chatham County;
 - (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;
 - (4) Fork Creek in Randolph County; and
 - (5) Rocky River in Chatham County.
- ~~(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit identified in 15A NCAC 10C .0401 so as to render it impractical to measure its total original length, except as provided in 15A NCAC 10C .0401(m). No person while fishing shall change the appearance of any nongame fish having a daily creel limit identified in 15A NCAC 10C .0401 so as to obscure its identification or render it impractical to count the number of fish in possession, except as provided in 15A NCAC 10C .0401(m).~~

History Note: Authority G.S. 113-134; 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;
Temporary Amendment Eff. July 1, 2001;
Amended Eff. July 18, 2002;
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, 2019; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015;
August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006;
Readopted Eff. August 1, 2021.

1 15A NCAC 10C .0404 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0404 SPECIAL DEVICES**

4 (a) Archery equipment. ~~The use of archery~~ Archery equipment, as defined in 15A NCAC 10B .0116, ~~as is a licensed~~
5 ~~special device, device is authorized for taking nongame fishes at any time from all inland fishing waters other than~~
6 ~~impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless~~
7 ~~prohibited by Marine Fisheries Commission's rules in 15A NCAC 03, bow and arrow may be used in joint fishing~~
8 ~~waters.~~

9 (b) Nets. Where authorized, manually operated nets, including seines and bow, cast, dip, gill, drift, and fyke nets
10 may be used under the special device license. No fixed gill net or other stationary net which may be authorized as a
11 special device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of any other
12 fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline. No fixed or drift gill nets shall be
13 used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is
14 attached to it at each end two separate yellow buoys that shall be of solid foam or other solid buoyant material no less
15 than five inches in its smallest dimensions. The owner shall be identified on a buoy on each end either by using
16 engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of
17 the following:

- 18 (1) owner's N.C. motor boat registration number;
19 (2) owner's U.S. vessel documentation name; or
20 (3) owner's last name, first and middle initials.

21 It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

22 (c) Traps. Baskets and traps, excluding collapsible crab traps, may be used under the special device license. Such
23 devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and upon which
24 his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in length or 30
25 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be attached to
26 the trap or used or set within 25 feet of the trap.

27 (d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special device
28 license in the inland waters having a season for their use specified in ~~Rule .0407 of this Section.~~ 15A NCAC 10C
29 .0407.

30 (e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons owning property adjacent to
31 the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be attached to
32 their property and not subject to special device license requirements.

33 (f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one-half inch by one-half inch. Each pot must be
34 marked by attaching a floating buoy that shall be of solid foam or other solid buoyant material and no less than five
35 inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall
36 be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy.
37 Such identification shall include one of the following:

1 (1) owner's N.C. motorboat registration number;

2 (2) owner's U.S. vessel documentation name; or

3 (3) owner's last name, first and middle initials.

4 (g) Hand-crank electrofisher. For the purposes of this Rule, a hand-crank electrofisher is any manually-operated
5 device which is capable of generating a low voltage electrical current not exceeding 300 volts for the taking of catfish.
6 Hand-crank electrofishers may be used only where authorized by local law and only in those waters specified in 15A
7 NCAC 10C .0407.

8
9 *History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1,*
12 *1993;*

13 *Temporary Amendment Effective July 1, 2001;*

14 *Amended Eff. August 1, 2014; August 1, 2012; May 1, 2008; May 1, 2007; August 1, 2004; July 18,*
15 *2002.*

1 15A NCAC 10C .0405 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0405 POSSESSION OF LICENSES**

4 Except as indicated in this Rule, every individual participating in the taking of fish through the use of any special
5 device must have the special device fishing license issued to him, personally, in his possession or readily available for
6 inspection. A bow net or a dip net may be used by an individual other than the licensee with the licensee's permission,
7 but such user must have the license in his possession or readily available for inspection. When using drag seines
8 authorized for taking nongame fishes at beaches on inland fishing waters where there are migratory saltwater fishes
9 ~~(herring or mullet)~~, only the principal owner and operator is required to be licensed.

10
11 *History Note: Authority G.S. 113-134; 113-275; 113-276; 113-276.1; 113-292;*
12 *Eff. February 1, 1976;*
13 *Temporary Amendment Eff. November 1, 1998;*
14 *Amended Eff. April 1, 1999.*

1 15A NCAC 10C .0406 is proposed for readoption as follows:

2
3 **15A NCAC 10C .0406 TRAWLS AND DREDGES**

4 It is unlawful to use a trawl or clam dredge in any inland fishing waters.

5
6 *History Note: Authority G.S. 113-134; 113-276; 113-292;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. July 1, 1988; January 1, 1982; January 1, 1981.*

15A NCAC 10C .0407 is proposed for readoption as follows:

15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS

~~Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year round open season for the licensed taking of nongame fishes by bow and arrow.~~ The use of special fishing devices, including crab pots in impoundments located entirely on game lands, shall be prohibited. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

(1) Alamance:

(a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;

(b) July 1 to June 30 with gigs in all public waters;

(2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;

(3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;

(4) Anson:

(a) July 1 to June 30 with traps and gigs in all public waters;

(b) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;

(c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;

(5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;

(6) Beaufort:

(a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;

(b) March 1 to April 30 with bow nets in all inland public waters;

(7) Bertie:

(a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);

(b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;

(8) Bladen:

(a) March 1 to April 30 with bow nets in Black River;

(b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;

(9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;

- 1 (10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
2 waters;
- 3 (11) Burke:
- 4 (a) July 1 to August 31 with seines in all running public waters, except Johns River and
5 designated public mountain trout waters;
- 6 (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated
7 public mountain trout waters and Lake James;
- 8 (12) Cabarrus:
- 9 (a) July 1 to August 31 with seines in all running public waters,
- 10 (b) July 1 to June 30 with traps and gigs in all public waters;
- 11 (13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated
12 public mountain trout waters;
- 13 (14) Camden:
- 14 (a) July 1 to June 30 with traps in all inland public waters;
- 15 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
16 and other impounded waters;
- 17 (15) Carteret: March 1 to April 30 with bow nets in all inland public waters except South River and the
18 tributaries of the White Oak River;
- 19 (16) Caswell:
- 20 (a) July 1 to June 30 with gigs in all public waters;
- 21 (b) July 1 to August 31 with seines in all running public waters, except Moons Creek;
- 22 (c) July 1 to June 30 with traps in Hyco Reservoir;
- 23 (17) Catawba:
- 24 (a) July 1 to August 31 with seines in all running public waters, except Catawba River below
25 Lookout Dam;
- 26 (b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;
- 27 (18) Chatham:
- 28 (a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw
29 River and Rocky River (local law);
- 30 (b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;
- 31 (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- 32 (19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
33 waters;
- 34 (20) Chowan:
- 35 (a) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
36 and other impounded waters;

- (b) July 1 to June 30 with traps in all inland public waters, except public lakes, ponds, and other impounded waters;
- (21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (22) Cleveland:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- (23) Columbus:
- (a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;
- (b) March 1 to April 30 with bow nets in Livingston Creek;
- (c) July 1 to March 1 with hand-crank electrofishers (local law) in Waccamaw and Lumber rivers;
- (24) Craven:
- (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
- (b) March 1 to April 30 with bow nets in all inland public waters, except Pitch Kettle, Grindle, Slocum (downstream of the US 70 bridge), Spring, and Hancock Creeks and their tributaries; and with seines in the Neuse River;
- (25) Currituck:
- (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
- (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (26) Dare:
- (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake, and South Lake;
- (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (27) Davidson:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;
- (28) Davie:
- (a) July 1 to June 30 with traps and gigs in all public waters;
- (b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;
- (29) Duplin:

- (a) December 1 to June 5 with seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (b) March 1 to April 30 with bow nets in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (30) Durham:
- (a) July 1 to August 31 with seines in Neuse River;
- (b) July 1 to June 30 with gigs in all public waters;
- (31) Edgecombe: March 1 to April 30 with bow nets in all public waters;
- (32) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- (33) Franklin:
- (a) July 1 to August 31 with seines in Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, Moore's, and Perry's Ponds, and in the Franklinton City ponds;
- (34) Gaston:
- (a) July 1 to August 31 with seines in all running public waters;
- (b) July 1 to June 30 with gigs, traps, and spear guns in all public waters;
- (35) Gates: March 1 to April 30 with bow nets in all inland public waters except public lakes, ponds, and other impounded waters;
- (36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (37) Granville:
- (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
- (b) July 1 to August 31 with seines in the Tar River below US 158 bridge;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (38) Greene: March 1 to April 30 with bow nets and reels in Contentnea Creek;
- (39) Guilford:
- (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
- (b) July 1 to June 30 with gigs in all public waters;
- (40) Halifax: March 1 to April 30 with bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- (41) Harnett:
- (a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
- (b) March 1 to April 30 with bow nets in Cape Fear River;

- 1 (42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated
2 public mountain trout waters;
- 3 (43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
4 waters;
- 5 (44) Hertford:
- 6 (a) July 1 to June 30 with traps in Wiccacon Creek;
- 7 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
8 and other impounded waters;
- 9 (45) Hyde:
- 10 (a) July 1 to June 30 with traps in all inland waters;
- 11 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
12 and other impounded waters;
- 13 (46) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout
14 Shoals Reservoir and Lake Norman;
- 15 (47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
16 waters;
- 17 (48) Johnston: March 1 to April 30 with bow nets in Black Creek, Little River, Middle Creek, Mill Creek,
18 Neuse River and Swift Creek;
- 19 (49) Jones:
- 20 (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River
21 below US 17 bridge;
- 22 (b) March 1 to April 30 with bow nets in all inland public waters, except the tributaries to the
23 White Oak River;
- 24 (50) Lee:
- 25 (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep
26 River;
- 27 (b) July 1 to August 31 with seines in Cape Fear River;
- 28 (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- 29 (51) Lenoir:
- 30 (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
- 31 (b) March 1 to April 30 with bow nets in Neuse River and Contentnea Creek upstream from
32 NC 118 bridge at Grifton; and with seines in Neuse River;
- 33 (52) Lincoln:
- 34 (a) July 1 to August 31 with seines in all running public waters;
- 35 (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters;
- 36 (53) McDowell:

- 1 (a) July 1 to August 31 with seines in all running public waters, except designated public
2 mountain trout waters;
- 3 (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated
4 public mountain trout waters and Lake James;
- 5 (54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
6 waters;
- 7 (55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
8 waters;
- 9 (56) Martin: March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
10 and other impounded waters;
- 11 (57) Mecklenburg:
- 12 (a) July 1 to August 31 with seines in all running public waters;
- 13 (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters except Freedom Park
14 Pond and Hornet's Nest Ponds;
- 15 (58) Montgomery:
- 16 (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee
17 River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
- 18 (b) July 1 to June 30 with traps and gigs in all public waters;
- 19 (59) Moore:
- 20 (a) July 1 to August 31 with seines in all running public waters except in Deep River;
- 21 (b) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game
22 Land; and with traps in Deep River and its tributaries;
- 23 (60) Nash:
- 24 (a) July 1 to June 30 with gigs in all public waters, except Tar River;
- 25 (b) March 1 to April 30 with bow nets in the Tar River below Harris' Landing and Fishing
26 Creek below the Fishing Creek Mill Dam;
- 27 (61) New Hanover: March 1 to April 30 with bow nets in all inland public waters, except Sutton (Catfish)
28 Lake;
- 29 (62) Northampton:
- 30 (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids
31 Reservoirs and the Roanoke River above the US 301 bridge;
- 32 (b) March 1 to April 30 with bow nets in Oconeechee Creek, Old River Landing Gut, and
33 Vaughans Creek below Watsons Mill;
- 34 (63) Onslow:
- 35 (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
- 36 (b) August 1 to March 31 with eel pots in the main run of New River between US 17 bridge
37 and the mouth of Hawkins Creek;

- 1 (c) March 1 to April 30 with bow nets in the main run of New River and in the main run of the
2 White Oak River;
- 3 (d) March 1 to April 30 with bow nets in Grant's Creek;
- 4 (64) Orange:
- 5 (a) July 1 to August 31 with seines in Haw River,
- 6 (b) July 1 to June 30 with gigs in all public waters;
- 7 (65) Pamlico: March 1 to April 30 with bow nets in all inland public waters, except Dawson Creek;
- 8 (66) Pasquotank:
- 9 (a) July 1 to June 30 with traps in all inland waters;
- 10 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
11 and other impounded waters;
- 12 (67) Pender:
- 13 (a) December 1 to June 5 with seines in the main run of Northeast Cape Fear River;
- 14 (b) March 1 to April 30 with bow nets in the Northeast Cape Fear River, Long Creek, Moore's
15 Creek approximately one mile upstream to New Moon Fishing Camp, and Black River;
- 16 (c) July 1 to March 1 with hand-crank electrofishers (local law) in Black River;
- 17 (68) Perquimans:
- 18 (a) July 1 to June 30 with traps in all inland waters;
- 19 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
20 and other impounded waters;
- 21 (69) Person:
- 22 (a) July 1 to August 31 with seines in Hyco Creek and Mayo Creek;
- 23 (b) July 1 to June 30 with gigs in all public waters.
- 24 (70) Pitt:
- 25 (a) July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee
26 Creek east of Greenville;
- 27 (b) March 1 to April 30 with bow nets in all inland public waters, except Grindle Creek, and
28 Contentnea Creek between NC 118 bridge at Grifton and the Neuse River;
- 29 (c) December 1 to June 5 with seines in Tar River;
- 30 (71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
31 waters;
- 32 (72) Randolph:
- 33 (a) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie
34 River;
- 35 (b) July 1 to June 30 with gigs in all public waters;
- 36 (73) Richmond:

- (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land;
- (c) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
- (74) Robeson: December 1 to March 1 with gigs in all inland public waters.
- (75) Rockingham:
- (a) July 1 to August 31 with seines in Dan River and Haw River;
- (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- (76) Rowan:
- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (77) Rutherford:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
- (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (78) Sampson:
- (a) March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek;
- (b) July 1 to March 1 with hand-crank electrofishers (local law) in Black River downstream of NC 1105 bridge;
- (79) Stanly:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- (81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (84) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernon River and Alligator Creek;

- (b) March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds and other impounded waters;
- (85) Union:
- (a) July 1 to August 31 with seines in all running public waters,
- (b) July 1 to June 30 with traps and gigs in all public waters;
- (86) Vance:
- (a) July 1 to August 31 with seines in the Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (87) Wake:
- (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
- (b) March 1 to April 30 with bow nets in the Neuse River below Falls Lake Dam, and Swift Creek below Lake Benson Dam;
- (88) Warren:
- (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; except Duck and Hammes Mill Ponds;
- (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (89) Washington: March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds, and other impoundments.
- (90) Wayne: March 1 to April 30 with bow nets in Little River, Mill Creek and Neuse River.
- (91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spear guns in all public waters, except designated public mountain trout waters;
- (92) Wilson:
- (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
- (b) March 1 to April 30 with bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam; and
- (93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

History Note: Authority G.S. 113-134; 113-276; 113-292;

1 *Eff. February 1, 1976;*
2 *Temporary Amendment Eff. December 29, 1988;*
3 *Temporary Amendment Eff. December 1, 1993;*
4 *Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; December 1, 1995; July 1, 1995; July 1,*
5 *1994; June 1, 1994;*
6 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
7 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
8 *Temporary Amendment Eff. June 1, 2003;*
9 *Amended Eff. August 1, 2019; August 1, 2015; May 1, 2007; June 1, 2005; August 1, 2004.*

15A NCAC 10C .0409 is proposed for adoption as follows:

15A NCAC 10C .0409 TAKING AND POSSESSION OF NONGAME FISHES

(a) Individuals shall only take up to the daily creel limit of those species of nongame fish having a specified creel limit.

(b) Individuals shall only possess, on those waters being fished:

- (1) the specified daily creel limit for the species;
- (2) fish conforming to the size limit of the species; and
- (3) the daily creel limit while fishing or afield.

(c) Individuals shall only possess up to three days creel limit at any place.

(d) No person, while fishing or afield, shall:

- (1) remove the head or tail or otherwise change the appearance of any nongame fish specified in Section .0400 as having a size limit, so as to render it impractical to measure its total original length, except as provided in 15A NCAC 10C .0410.
- (2) change the appearance of any nongame fish that has a species-specific daily creel limit in Section .0400, as to obscure its identification or render it impractical to count the number of fish in possession, except for American Eel as provided in 15A NCAC 10C.0410.

History Note: Authority G.S. 113-134; 113-292;

1 15A NCAC 10C .0410 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0410 AMERICAN EEL**

4
5 (a) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing
6 in inland fishing waters is 25.

7 (b) The minimum size limit is 9 inches.

8 (c) There is no closed season.

9 (d) Eels greater than 9 inches in length and with a minimum body depth greater than ½ inch may be cut for use as bait.

10
11 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0411 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0411 ATLANTIC CROAKER**

4
5 (a) The daily creel limit for Atlantic croaker is 50 fish.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Atlantic croaker shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0412 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0412 BLACK DRUM**

4
5 (a) The daily creel limit for black drum is 10 fish.

6 (b) The minimum size limit is 14 inches and no fish over 25 inches may be possessed in the daily creel limit.

7 (c) There is no closed season.

8 (d) Black drum shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0413 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0413 BLUE CRAB**

4
5 (a) Blue crabs shall have a minimum carapace width of five inches (point to point).

6 (b) It is unlawful to possess more than 50 crabs per person per day, or to exceed 100 crabs per vessel per day.

7 (c) There is no closed season.

8 (d) Blue crabs shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0414 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0414 BLUEFISH**

4
5 (a) The daily creel limit for bluefish is three.

6 (b) There is no size limit.

7 (c) There is no closed season.

8 (d) Bluefish shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0415 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0415 BOWFIN**

4
5 (a) There is no daily creel limit for bowfin.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Bowfin shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0416 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0416 BLUE CATFISH, CHANNEL CATFISH, AND FLATHEAD CATFISH**

4
5 (a) There is no daily creel limit for blue, channel, and flathead catfish, except for waters identified in Paragraphs (e),
6 (f), and (g) of this Rule.

7 (b) There is no minimum size limit.

8 (c) There is no closed season.

9 (d) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or
10 on the property of a cooperator, including waters within the Community Fishing Program, no person shall take channel
11 or blue catfish by means other than hook and line.

12 (e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or
13 on the property of a cooperator, including waters within the Community Fishing Program, the daily creel limit for
14 channel catfish is seven on waters posted with signs indicating the creel limit.

15 (f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following waters:

16 (1) Lake Norman;

17 (2) Mountain Island Lake;

18 (3) Lake Wylie;

19 (4) Badin Lake;

20 (5) Lake Tillery;

21 (6) John H. Kerr Reservoir (North Carolina portion);

22 (7) Dan River (Downstream of the Union Street Dam in Danville, VA);

23 (8) Lake Gaston (North Carolina portion); and

24 (9) Roanoke Rapids Reservoir.

25 (g) The daily creel limit is five catfish in aggregate on the Pee Dee River downstream of Blewett Falls Dam to the
26 South Carolina state line and all tributaries.

27
28 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0417 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0417 COBIA**

4
5 (a) The daily creel limit for cobia is one fish.

6 (b) The minimum size limit is 36 inches.

7 (c) The season for taking and possessing cobia is May 1 to December 31.

8 (d) Cobia shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0418 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0418 FRESHWATER MUSSELS**

4
5 (a) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may only be taken from impounded waters,
6 except mussels shall not be taken in:

7 (1) Lake Waccamaw in Columbus County; and

8 (2) University Lake in Orange County.

9 (b) The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit
10 for the Asiatic clam (*Corbicula fluminea*).

11 (c) There is no minimum size limit.

12 (d) There is no closed season.

13
14 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0419 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0419 GRASS CARP**

4
5 (a) There is no daily creel limit for grass carp, except for waters identified in Paragraphs (d) and (e).

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Grass carp shall not be taken or possessed except that one fish per day may be taken with archery equipment on
9 the following waters:

10 (1) Lake James;

11 (2) Lookout Shoals Lake;

12 (3) Mountain Island Reservoir; and

13 (4) Lake Wylie.

14 (e) Grass carp shall not be taken or possessed except for scientific study by permit issued by the Wildlife Resources
15 Commission on the following waters:

16 (1) Lake Gaston (SL 2009-261);

17 (2) Roanoke Rapids Reservoir (SL 2009-261);

18 (3) Lake Norman; and

19 (4) the North Carolina portion of John H. Kerr Reservoir.

20
21 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0420 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0420 KING MACKEREL**

4
5 (a) The daily creel limit for king mackerel is three fish.

6 (b) The minimum size limit is 24 inches.

7 (c) There is no closed season.

8 (d) King mackerel shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0421 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0421 MARGINED MADTOM AND TADPOLE MADTOM**

4 Margined madtom and tadpole madtom shall not be taken or possessed.

5
6 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0422 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0422 STRIPED MULLET AND WHITE MULLET**

4
5 (a) The daily creel limit for striped mullet and white mullet is 200 fish in aggregate.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8
9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0423 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0423 ALEWIFE AND BLUEBACK HERRING**

4
5 (a) There is no daily creel limit for alewife or blueback herring (river herring), except for waters identified in Paragraph
6 (c).

7 (b) There is no minimum size limit, except for waters identified in Paragraph (d).

8 (c) There is no closed season.

9 (d) While boating on or fishing in the following inland fishing waters, no person shall take alewife and blueback
10 herring that are greater than six inches in length, or possess such herring regardless of origin in:

11 (1) Roanoke River downstream of Roanoke Rapids Dam;

12 (2) Tar River downstream of Rocky Mount Mill Dam;

13 (3) Neuse River downstream of Falls Lake Dam;

14 (4) Cape Fear River downstream of Buckhorn Dam;

15 (5) Pee Dee River downstream of Blewett Falls Dam;

16 (6) Lumber River, including Drowning Creek;

17 (7) all the tributaries to the rivers listed above; and

18 (8) all other inland fishing waters east of I-95.

19 (e) It shall be unlawful to transport, possess, or release live alewife or blueback herring, in the waters of the Little
20 Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and
21 impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

22 (f) Alewife and blueback herring, excluding those less than 6 inches in length collected from Kerr Reservoir
23 (Granville, Vance, and Warren counties), may not be sold.

24
25 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0424 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0424 SHARKS**

4 Sharks shall not be taken or possessed.

5

6 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0425 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0425 SHEEPSHEAD**

4
5 (a) The daily creel limit for sheepshead is 10 fish.

6 (b) The minimum size limit is 10 inches.

7 (c) There is no closed season.

8 (d) Sheepshead shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0426 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0426 SPANISH MACKEREL**

4
5 (a) The daily creel limit for Spanish mackerel is 15 fish.

6 (b) The minimum size limit is 12 inches.

7 (c) There is no closed season.

8 (d) Spanish mackerel shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0427 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0427 SPOT**

4
5 (a) The daily creel limit for spot is 50 fish.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Spot shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0428 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0428 TARPON**

4 Tarpon shall not be taken or possessed.

5

6 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0429 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0429 WEAKFISH (GRAY TROUT)**

4
5 (a) The daily creel limit for weakfish (gray trout) is one fish.

6 (b) The minimum size limit is 12 inches.

7 (c) There is no closed season.

8 (d) Weakfish shall not be sold.

9
10 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0430 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0430 OTHER FISHES**

4
5 (a) For any nongame fish species not specifically listed in this Section, there is no daily creel limit.

6 (b) There is no size limit.

7 (c) There is no closed season.

8
9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

The Agency proposes a new Section of the NCAC, 15A NCAC 10C .0700, to be titled:

SECTION .0700 - FISHES IN JOINT FISHING WATERS

15A NCAC 10C .0701 is proposed for adoption as follows:

15A NCAC 10C .0701 INLAND GAME FISHES DESIGNATED IN JOINT FISHING WATERS

(a) For the purposes of this rule, the following fishes are classified and designated as inland game fishes in joint fishing waters:

- (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
- (2) black crappie and white crappie;
- (3) chain pickerel (jack), muskellunge, and redbfin pickerel;
- (4) kokanee salmon;
- (5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;
- (6) Roanoke bass and rock bass (redeye);
- (7) sauger and walleye; and
- (8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker), warmouth, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule.

(b) Inland game fishes shall not be taken by any method other than with hook and line, except that landing nets may be used to land fishes caught on hook and line.

(c) Size, creel limits, and seasons for inland game fishes in joint fishing waters shall be the same as those designated in Section .0300 for inland fishing waters.

(d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water unharmed.

(e) Inland game fishes taken from joint fishing waters shall not be sold.

(f) Individuals shall only take up to the daily creel limit of those species of inland game fish having a specified creel limit.

(g) Individuals shall only possess, on those waters being fished:

- (1) the specified daily creel limit for the species;
- (2) fish conforming to the size limit for the species; and
- (3) the daily creel limit while fishing or afield.

(h) Individuals shall only possess up to three days creel limit at any place.

(i) No person, while fishing or afield, shall:

- (1) unnecessarily destroy any inland game fish taken from public fishing waters;
- (2) remove the head or tail or otherwise change the appearance of any game fish having a size limit so to render it impracticable to measure its total original length; or

- 1 (3) change the appearance of any game fish having a daily creel limit so to obscure its identification or
2 render it impracticable to count the number of fish in possession.
3
4 History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;

1 15A NCAC 10C .0702 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0702 TAKING AND POSSESSION OF OTHER FISHES BY HOOK AND LINE IN JOINT**
4 **FISHING WATERS**

5 (a) This Rule applies to fish taken by hook and line in joint fishing waters, excluding the species listed in 15A NCAC
6 10C .0701.

7 (b) Landing nets may be used to land fishes caught on hook and line.

8 (c) Set hooks, jug hooks, and trotlines may be used as designated in 15A NCAC 10C .0206 to take fishes in joint
9 fishing waters.

10 (d) Size, creel limits, and seasons for fishes taken by hook and line in joint fishing waters shall be the same as
11 those designated in Sections .0300 and .0400 for inland fishing waters with the following exceptions:

12 (1) In the joint fishing waters of the Tar-Pamlico River, Pungo River, and their tributaries, the daily
13 creel limit for American and Hickory Shad is 10 in the aggregate.

14 (2) In the joint fishing waters of the Cape Fear River and its tributaries, the daily creel limit for
15 American and Hickory Shad is 10 in the aggregate, only five of which may be American Shad.

16 (3) In the joint fishing waters of the Central Southern Management Area, as identified in 15A
17 NCAC 03R .0201, size, creel limits, and seasons for striped bass and its hybrids are listed in
18 15A NCAC 10C .0107.

19 (4) In the joint fishing waters of the Roanoke River Striped Bass Management Area, as identified
20 in 15A NCAC 10C .0110(a)(2), which includes the Roanoke, Cashie, Middle, and Eastmost
21 rivers and their tributaries, the open season for taking and possessing Striped Bass and its
22 hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle
23 Sound upstream to Roanoke Rapids Lake dam. During the open season, the daily creel limit for
24 Striped Bass and its hybrids is two fish in the aggregate, and the minimum size limit is 18
25 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily creel
26 limit. Only one fish larger than 27 inches may be possessed in the daily creel limit.

27 (5) In designated inland and joint fishing waters of the Albemarle Sound Management Area, as
28 identified in 15A NCAC 10C .0110(a)(1), the Striped Bass fishing season, size limits, and creel
29 limits are the same as those established by rules or proclamations of the Marine Fisheries
30 Commission in adjacent coastal fishing waters.

31 (e) Fishes taken by hook and line in joint fishing waters may be sold except those fishes for which the sale is
32 prohibited as designated in Sections .0300 and .0400 for inland fishing waters.

33 (f) For fishes taken by hook and line in joint fishing waters, individuals shall only take up to the daily creel limit of
34 fish having a specified creel limit.

35 (g) Individuals shall only possess, on those waters being fished:

36 (1) the specified daily creel limit for the species;

37 (2) fish conforming to the size limit of the species; and

1 (3) the daily creel limit while fishing or afield.

2 (h) Individuals shall only possess up to three days creel limit at any place.

3 (i) No person, while fishing or afield, shall:

4 (1) remove the head or tail or otherwise change the appearance of any fish taken by hook and line
5 specified in Sections .0300 or .0400 as having a size limit, so to render it impractical to measure its
6 total original length, except for American Eel as provided in 15A NCAC 10C .0410.

7 (2) change the appearance of any fish taken by hook and line that has a species specific daily creel limit
8 in Sections .0300 or .0400, as to obscure its identification or render it impractical to count the
9 number of fish in possession, except for American Eel as provided in 15A NCAC 10C.0410.

10
11 History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;

The Agency proposes a new Section of the NCAC, 15A NCAC 10C .0800, to be titled:

SECTION .0800 – GAME FISH IN COASTAL FISHING WATERS

15A NCAC 10C .0801 is proposed for adoption as follows:

15A NCAC 10C .0801 INLAND GAME FISHES DESIGNATED IN COASTAL FISHING WATERS

(a) For the purposes of this rule, only the following fishes are classified and designated as inland game fishes in coastal fishing waters:

- (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
- (2) black crappie and white crappie;
- (3) chain pickerel (jack), muskellunge, and redbfin pickerel;
- (4) kokanee salmon;
- (5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;
- (6) Roanoke bass and rock bass (redeye);
- (7) sauger and walleye; and
- (8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker), warmouth, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule.

(b) Inland game fishes shall not be taken by any method other than with hook and line, except that landing nets may be used to land fishes caught on hook and line.

(c) Size, creel limits, and seasons for inland game fishes in coastal fishing waters shall be the same as those in inland waters designated in Section .0300.

(d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water unharmed.

(e) Inland game fishes taken from coastal fishing waters shall not be sold.

(f) Individuals shall only take up to the daily creel limit of those species of inland game fish having a specified creel limit.

(g) Individuals shall only possess, on those waters being fished:

- (1) the specified daily creel limit for the species;
- (2) fish conforming to the size limit for the species; and
- (3) the daily creel limit while fishing or afield.

(h) Individuals shall only possess up to three days creel limit at any place.

(i) No person, while fishing or afield, shall:

- (1) unnecessarily destroy any inland game fish taken from public fishing waters;
- (2) remove the head or tail or otherwise change the appearance of any game fish having a size limit so to render it impracticable to measure its total original length; or
- (3) change the appearance of any game fish having a daily creel limit so to obscure its identification or render it impracticable to count the number of fish in possession.

1

2 History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;

Exhibit H-2
December 9, 2021



**Regulatory Impact Analysis for Readoption of 15A NCAC 10C Rules
for the Wildlife Resources Commission**

Rule Readoptions: 15A NCAC 10C .0101 - .0111
15A NCAC 10C .0304
15A NCAC 10C .0318
15A NCAC 10C .0404 - .0407

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Impact Summary:

State Government:	No
Local Government:	No
Private Impact:	No
Substantial Economic Impact:	No

Authority: G.S. 113-129, 113-132, 113-134, 113-136, 113-138, 113-271, 113-275, 113-292, 150B-21.3A

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)). WRC is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This 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).

NECESSITY

General Statute 150B-21.3A requires state agencies to review their existing rules every 10 years to determine which rules are still necessary, and to either readopt or repeal each rule as appropriate. The rules in this package were all determined to be “necessary with substantive public interest” and thus need to be readopted.

SUMMARY

The rules in this package were reviewed and updated resulting in amendments that are largely technical in nature and present no potential impacts. Proposed rule text can be found in Appendix A.

IMPACT ANALYSIS

The 17 rules in this package are proposed for readoption do not meet all three criteria for fiscal analysis in accordance with Section 10.5 of the State Budget Manual, and as such, do not require a fiscal note.

APPENDIX A – PROPOSED RULE TEXT

15A NCAC 10C .0101 SCOPE AND PURPOSE

(a) ~~The following rules in this Section~~ pertain to the classification of the waters of North Carolina as coastal fishing waters, inland fishing waters, and joint fishing waters. ~~These rules are~~ waters and shall be adopted jointly by the Marine Fisheries Commission and the Wildlife Resources Commission.

(b) ~~In addition to the classification of the waters of the state these joint~~ These jointly adopted rules may set forth ~~guidelines to~~ determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are regulated by the Wildlife Resources Commission. ~~Finally, the~~

(c) ~~The joint rules set forth~~ special fishing regulations applicable in joint waters ~~that can~~ may be enforced by ~~officers of the division of marine fisheries and the Wildlife Resources Commission.~~ marine fisheries inspectors and wildlife officers. ~~These regulations do~~ rules shall not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

*History Note: Authority G.S. 113-134; 113-132; 113-136;
Eff. February 1, 1976;
Amended Eff. January 1, 1977.*

15A NCAC 10C .0102 INLAND FISHING WATERS

~~(a) Inland fishing are all inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All those defined in G.S. 113-129. All waters which are tributary to inland fishing waters and which that~~ are not otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission are in rule shall be inland fishing waters.

~~(b) The regulation and licensing of fishing in inland fishing waters is~~ shall be under the jurisdiction of the Wildlife Resources Commission.

~~(c) Regulations-Rules~~ and laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters ~~are~~ shall be enforced by wildlife ~~enforcement~~ officers.

~~Note: A private pond is a body of water arising within and lying wholly upon the lands of a single owner or a single group of joint owners or tenants in common, and from which fish cannot escape, and into which fish of legal size cannot enter from public waters at any time. This does not include any impoundment located on land owned by a public body or governmental entity.~~

History Note: Authority G.S. 113-134; 113-129; 113-132;

Eff. February 1, 1976;

Amended Eff. January 1, 1977.

15A NCAC 10C .0103 COASTAL FISHING WATERS

(a) Coastal fishing waters are ~~the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission.~~ those defined in G.S. 113-129. All waters ~~which are tributary to coastal fishing waters and which that~~ are not otherwise designated ~~by agreement between the Marine Fisheries Commission and the Wildlife Resources Commission~~ are coastal fishing waters. in rule shall be coastal fishing waters.

(b) ~~The regulations-regulation~~ and licensing of fishing in coastal fishing ~~waters is waters, excluding joint fishing waters, shall be~~ under the jurisdiction of the Marine Fisheries Commission; except that the following inland game fish ~~(exclusive of spotted sea trout, red drum, flounder, white perch, yellow perch, weakfish, and striped bass)~~ are subject to ~~regulations-regulation~~ by the Wildlife Resources Commission when found in coastal fishing ~~waters, waters:~~

- (1) brown, brook, and rainbow trout;
- (2) muskellunge, chain, and redbfin pickerel;
- (3) Alabama , largemouth, smallmouth, and spotted bass;
- (4) Roanoke and rock bass;
- (5) kokanee salmon;
- (6) black and white crappie;
- (7) bluegill, redbreast, redear, pumpkinseed, warmouth, flier, and all other species in the Centrarchidae family; and
- (8) walleye and sauger.

(c) ~~Regulations-Rules~~ and laws administered by the Marine Fisheries Commission regarding fishing in coastal fishing waters are waters, excluding joint fishing waters, shall be enforced by marine fisheries inspectors. ~~Regulations-Rules~~ and laws regarding inland game fish specified in Paragraph (b), when found in coastal fishing waters are waters, shall be enforced by wildlife ~~protectors-officers,~~ unless otherwise agreed to by the Wildlife Resources Commission.

History Note: Authority G.S. 113-129; 113-132; 113-134; 113-182; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1991; January 1, 1977.

15A NCAC 10C .0104 JOINT FISHING WATERS

(a) Joint fishing waters are those ~~coastal fishing waters, hereinafter set out, denominated~~ defined in G.S. 113-129,
adopted by agreement of both the Marine Fisheries Commission and the Wildlife Resources Commission pursuant to
G.S. ~~113-132(e), 113-132(e)~~ as joint fishing waters. All waters ~~which are tributary to joint fishing waters and which~~
that are not otherwise designated ~~by agreement between the Marine Fisheries Commission and the Wildlife Resources~~
~~Commission are classified as in rule shall be~~ joint fishing waters. ~~The regulation and licensing of fishing in joint~~
~~waters shall be as stated in 15A NCAC 10C .0106.~~

(b) Rules and laws regarding fishing in joint fishing waters may be enforced by both marine fisheries inspectors and
wildlife officers.

History Note: Authority G.S. 113-132; 113-134; 113-292;

Eff. February 1, 1976;

Amended Eff. January 1, 1977.

15A NCAC 10C .0105 POSTING DIVIDING LINES

(a) The dividing lines of all major bodies of water and watercourses ~~which are divided by the agreement of agreed upon by~~ the Marine Fisheries Commission and the Wildlife Resources Commission so that portions of the same ~~waterbody~~ are constituted inland fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs insofar as may be ~~practicable.~~ practicable, and designated on maps available free of charge, online at www.ncwildlife.org. ~~Unmarked and undesignated tributaries shall have the same classification as the designated waters to which they connect or into which they flow.~~

(b) ~~No unauthorized~~ Unauthorized removal or relocation of ~~any such marker markers~~ shall have ~~the no effect of~~ changing on the classification of any body of water or portion thereof, nor shall any ~~such~~ unauthorized removal or relocation or the absence of ~~any a~~ marker affect the applicability of any regulations pertaining to any ~~such~~ body of water or portion thereof.

*History Note: Authority G.S. 113-132; 113-134;
Eff. January 1, 1977.*

15A NCAC 10C .0106 APPLICABILITY OF ~~REGULATIONS~~; RULES; JOINT FISHING WATERS

(a) All coastal fishing laws and ~~regulations~~-rules administered by the Department of ~~Environment, Health, and Natural Resources~~ Environmental Quality and the Marine Fisheries Commission shall apply to joint fishing waters except as otherwise ~~provided and shall be enforced by fisheries enforcement officers~~; provided.

(b) The following inland fishing laws and ~~regulations~~-rules administered by the Wildlife Resources Commission shall apply to joint fishing ~~waters and shall be enforced by wildlife enforcement officers~~; waters:

- (1) all laws and ~~regulations~~-rules pertaining to inland game ~~fishes~~, fishes specified in Rule .0103;
- ~~(2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,~~
- ~~(3)(2)~~ (2) all laws and ~~regulations~~-rules pertaining to hook and line fishing except as hereinafter ~~provided~~; provided; and
- (3) all laws and rules pertaining to fish, crustacea, and mollusks identified on the protected animal list, as defined in G.S. 113-331.

History Note: Authority G.S. 113-132; 113-134; 113-271; 113-275; 113-182; 113-292; 113-333;
Eff. January 1, 1977;
Amended Eff. April 1, 1990; April 15, 1979.

15A NCAC 10C .0107 SPECIAL ~~REGULATIONS~~ REGULATIONS FOR JOINT FISHING WATERS

~~The following requirements shall apply in joint fishing waters and in order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 10C .0106:~~

- (1) Striped Bass
 - (a) ~~It is it shall be~~ unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches long (total length).
 - (b) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids between the lengths of 22 and 27 inches (total length) in joint fishing waters of the Central Southern Management Area as designated in 15A NCAC 03R .0201.
 - (c) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids May through September in the joint fishing waters of the Central Southern Management Area and the Albemarle Sound Management Area.
 - (d) ~~It is it shall be~~ unlawful to possess striped bass or striped bass hybrids taken from the joint fishing waters of the Cape Fear River.
 - (e) ~~It is it shall be~~ unlawful to possess more than one daily creel limit of striped bass or striped bass hybrids, in the aggregate, per person per day, regardless of the number of management areas fished.
 - (f) ~~Possession~~ possession of fish shall be assessed for the creel and size limits of the management area in which the individual is found to be fishing, regardless of the size or creel limits for other management areas visited by that individual in a given day.
 - (g) ~~It is it shall be~~ unlawful to engage in net fishing for striped bass or their hybrids in joint waters except as authorized by rules of the Marine Fisheries Commission.
- (2) Lake Mattamuskeet
 - (a) ~~It is it shall be~~ unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
 - (b) ~~It is it shall be~~ unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
- (3) Cape Fear River. ~~It is~~ shall be unlawful to use or attempt to use any net, net stakes or electrical fishing device within 800 feet of the dam at Lock No. 1 on the Cape Fear River.
- (4) ~~Shad: It is it shall be~~ unlawful to possess more than 10 American shad or hickory shad, in the aggregate, per person per day taken by hook and line.

History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;

Eff. January 1, 1977;

Amended Eff. July 1, 2008; May 1, 2005; August 1, 2000; July 1, 1993; November 1, 1991; January 1, 1991; August 1, 1985.

15A NCAC 10C .0108 SPECIFIC CLASSIFICATION OF WATERS

~~The several sounds and estuarine and tributary waters all or portions of which are specifically classified as inland, joint, or coastal fishing waters by agreement of the Marine Fisheries Commission and the Wildlife Resources Commission are listed in the regulations of the Marine Fisheries Commission under 15A NCAC 3Q .0200 and such list and classification is incorporated herein by reference, shall include any later amendments, and is made a part of this Section to the same extent as if the same were fully set forth herein.~~

History Note: *Authority G.S. 113-129; 113-132; 113-134; 150B-14;*
 Eff. January 1, 1977;
 Amended Eff. July 1, 1993; January 1, 1981; January 1, 1978.

15A NCAC 10C .0109 PROTECTION OF SEA TURTLES

Pursuant to a cooperative agreement entered into on the fifth day of February, 1979, by the Department of Environment, Health, and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission, the Wildlife Resources Commission will exercise regulatory jurisdiction over any species of sea turtles, and their eggs and nests, consistent with designation of such species as endangered or threatened by the U.S. Fish and Wildlife Service. As provided by said agreement, the law enforcement officers of both the Marine Fisheries Commission and the Wildlife Resources Commission have jurisdiction to enforce any state laws and ~~regulations, rules,~~ including those contained in 15A NCAC 10I, relating to endangered or threatened species of sea turtles and their eggs and nests.

History Note: Authority G.S. 113-132; 113-134; 113-138; 113-181; 113-182; 113-224; 113-305;
Eff. April 29, 1979;
Amended Eff. April 1, 1990.

**15A NCAC 10C .0110 ~~MANAGEMENT RESPONSIBILITY FOR~~ OF ESTUARINE STRIPED BASS IN
JOINT WATERS ~~THE~~ ALBEMARLE SOUND AND ROANOKE RIVER
MANAGEMENT AREAS**

~~(a) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC 03R .0201.~~

~~(b)(a) In order to~~ To effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-Roanoke River stock of estuarine striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to establish two management areas: ~~the Albemarle Sound Management Area and the Roanoke River Management Area as designated in 15A NCAC 03R .0201.~~

(1) the Albemarle Sound Management Area is designated as Albemarle Sound and all its joint and inland water tributaries, (except for the Roanoke, Middle, Eastmost and Cashie rivers), Currituck, Roanoke and Croatan sounds and all their joint and inland water tributaries, including Oregon Inlet, north of a line beginning at a point 35° 48.5015' N - 75° 44.1228' W on Roanoke Marshes Point, running southeasterly to a point 35° 44 .1710' N - 75° 31 .0520' W on the north point of Eagle Nest Bay.

(2) the Roanoke River Management Area is designated as Roanoke River and its joint and inland tributaries, including Middle, Eastmost and Cashie rivers, up to the Roanoke Rapids dam.

~~(b) The Wildlife Resources Commission shall have principal management responsibility for the stock when it is in the joint and inland and joint~~ fishing waters of the Roanoke River Management Area. The Marine Fisheries Commission shall have principal management responsibility for the stock in the coastal, joint-joint and inland waters of the Albemarle Sound Management Area.

~~(c) The annual quota for recreational harvest of the Albemarle Sound Roanoke River striped bass stock shall be divided equally between the two management areas. Each Commission shall implement management actions for recreational harvest within their respective management areas that shall be consistent with the North Carolina Estuarine Striped Bass Fishery Management Plan areas.~~

~~(d) To preserve jurisdictional authority of each Commission, the following means are established through which management measures may be implemented in the following management areas:~~

(1) in the Roanoke River Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission.

(2) in the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas, and establish size and creel limits, whether coastal or joint fishing waters, shall be vested in the Marine Fisheries Commission. The season shall close by proclamation if the quota set by the North Carolina Estuarine Striped Bass Fishery Management Plan is projected to be taken.

History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;

Eff. January 1, 1991;

Amended Eff. June 1, 2005.

**15A NCAC 10C .0111 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS:
RECREATIONAL FISHING**

The Marine Fisheries and Wildlife Resources Commissions shall implement their respective striped bass management plans for recreational fishing pursuant to their respective rulemaking powers. To preserve jurisdictional authority of each Commission, the following means are established through which management measures can be implemented by a single instrument in the following management areas:

- (1) ~~In the Roanoke River Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether inland or joint fishing waters, shall be vested in the Wildlife Resources Commission. An instrument closing any management area in joint waters shall operate as a jointly issued instrument opening or closing seasons or areas to harvest in the Roanoke River Management Area.~~
- (2) ~~In the Albemarle Sound Management Area, the exclusive authority to open and close seasons and areas and establish size and creel limits, whether coastal or joint fishing waters shall be vested in the Marine Fisheries Commission. The season shall close by Marine Fisheries Commission proclamation if the quota is about to be exceeded. In the Albemarle Sound Management Area administered by the Marine Fisheries Commission, a proclamation affecting the harvest in joint and coastal waters, excluding the Roanoke River Management Area shall automatically be implemented and effective as a Wildlife Resources Commission action in the inland waters and tributaries to the waters affected.~~

*History Note: Authority G.S. 113-132; 113-134; 113-138; 113-182; 113-292;
Eff. January 1, 1991;
Amended Eff. June 1, 2005.*

15A NCAC 10C .0304 TAKING AND POSSESSION OF INLAND GAME FISHES

~~(a) It is unlawful to take in one day more than the daily creel limit of those species of inland game fish having a specified creel limit; to possess more fish than the daily creel limit in effect on those waters being fished; to possess any fish outside of the size limit in effect on those waters being fished; to possess more fish than the daily creel limit while boating or afield; or to possess at any place more than three days creel limit. It is unlawful to destroy unnecessarily any inland game fish taken from public fishing waters.~~

(a) Individuals may only take the daily creel limit of those species of inland game fish having a specified creel limit.

(b) Individuals may only possess on those waters being fished:

- (1) the specified daily creel limit for the species;
- (2) fish conforming to the size limit for the species; and
- (3) the daily creel limit while boating or afield.

~~(b)(c) Individuals may only possess up to three days creel limit at any place.~~

(d) No person while fishing shall shall: remove the head or tail or otherwise change the appearance of any game fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any game fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

- (1) unnecessarily destroy any inland game fish taken from public fishing waters;
- (2) remove the head or tail or otherwise change the appearance of any game fish having a minimum size limit to render it impracticable to measure its total original length; or
- (3) change the appearance of any game fish having a daily creel limit to obscure its identification or render it impracticable to count the number of fish in possession.

History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1991; July 1, 1988; January 1, 1981.

15A NCAC 10C .0318 WHITE BASS

(a) The daily creel limit for White Bass is 10 fish.

(b) There is a 14 inch minimum size limit. ~~limit for these fish.~~

(c) There is no closed season. ~~season for White Bass.~~

History Note: Authority G.S. 113-134; 113-292;

Eff. November 1, 2013.

Amend Eff. August 1, 2017.

15A NCAC 10C .0404 SPECIAL DEVICES

(a) Archery equipment. The use of archery equipment, as defined in 15A NCAC 10B .0116, as a licensed special device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless prohibited by Marine Fisheries Commission's rules in 15A NCAC 03, bow and arrow may be used in joint fishing waters.

(b) Nets. Where authorized, manually operated nets, including seines and bow, cast, dip, gill, drift, and fyke nets may be used under the special device license. No fixed gill net or other stationary net which may be authorized as a special device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of any other fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline. No fixed or drift gill nets shall be used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is attached to it at each end two separate yellow buoys that shall be of solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following:

- (1) owner's N.C. motor boat registration number;
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name, first and middle initials.

It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

(c) Traps. Baskets and traps, excluding collapsible crab traps, may be used under the special device license. Such devices when set and left unattended shall be affixed with a card or tag furnished by the license holder and upon which his name and address shall be legibly and indelibly inscribed. No fish trap may exceed 60 inches in length or 30 inches in depth or width. No lead nets, wing nets, or other device designed to guide or herd fish may be attached to the trap or used or set within 25 feet of the trap.

(d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special device license in the inland waters having a season for their use specified in ~~Rule .0407 of this Section.~~ 15A NCAC 10C .0407.

(e) Crab pots. It is unlawful to use crab pots in inland fishing waters, except by persons owning property adjacent to the inland fishing waters of coastal rivers and their tributaries who are permitted to set two crab pots to be attached to their property and not subject to special device license requirements.

(f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one-half inch by one-half inch. Each pot must be marked by attaching a floating buoy that shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

- (1) owner's N.C. motorboat registration number;
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name, first and middle initials.

(g) Hand-crank electrofisher. For the purposes of this Rule, a hand-crank electrofisher is any manually-operated device which is capable of generating a low voltage electrical current not exceeding 300 volts for the taking of catfish. Hand-crank electrofishers may be used only where authorized by local law and only in those waters specified in 15A NCAC 10C .0407.

History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;
Eff. February 1, 1976;
Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1, 1993;
Temporary Amendment Effective July 1, 2001;
Amended Eff. August 1, 2014; August 1, 2012; May 1, 2008; May 1, 2007; August 1, 2004; July 18, 2002.

15A NCAC 10C .0405 POSSESSION OF LICENSES

Except as indicated in this Rule, every individual participating in the taking of fish through the use of any special device must have the special device fishing license issued to him, personally, in his possession or readily available for inspection. A bow net or a dip net may be used by an individual other than the licensee with the licensee's permission, but such user must have the license in his possession or readily available for inspection. When using drag seines authorized for taking nongame fishes at beaches on inland fishing waters where there are migratory saltwater fishes ~~(herring or mullet)~~, only the principal owner and operator is required to be licensed.

*History Note: Authority G.S. 113-134; 113-275; 113-276; 113-276.1; 113-292;
Eff. February 1, 1976;
Temporary Amendment Eff. November 1, 1998;
Amended Eff. April 1, 1999.*

15A NCAC 10C .0406 TRAWLS AND DREDGES

It is unlawful to use a trawl or clam dredge in any inland fishing waters.

History Note: *Authority G.S. 113-134; 113-276; 113-292;*
Eff. February 1, 1976;
Amended Eff. July 1, 1988; January 1, 1982; January 1, 1981.

15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. The use of special fishing devices, including crab pots in impoundments located entirely on game lands, shall be prohibited. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (1) Alamance:
 - (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
 - (b) July 1 to June 30 with gigs in all public waters;
- (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
- (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;
- (4) Anson:
 - (a) July 1 to June 30 with traps and gigs in all public waters;
 - (b) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
 - (c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;
- (6) Beaufort:
 - (a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;
 - (b) March 1 to April 30 with bow nets in all inland public waters;
- (7) Bertie:
 - (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (8) Bladen:
 - (a) March 1 to April 30 with bow nets in Black River;
 - (b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;
- (9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;
- (10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (11) Burke:

- (a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;
 - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (12) Cabarrus:
 - (a) July 1 to August 31 with seines in all running public waters,
 - (b) July 1 to June 30 with traps and gigs in all public waters;
- (13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (14) Camden:
 - (a) July 1 to June 30 with traps in all inland public waters;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (15) Carteret: March 1 to April 30 with bow nets in all inland public waters except South River and the tributaries of the White Oak River;
- (16) Caswell:
 - (a) July 1 to June 30 with gigs in all public waters;
 - (b) July 1 to August 31 with seines in all running public waters, except Moons Creek;
 - (c) July 1 to June 30 with traps in Hyco Reservoir;
- (17) Catawba:
 - (a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;
 - (b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;
- (18) Chatham:
 - (a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);
 - (b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;
 - (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- (19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (20) Chowan:
 - (a) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
 - (b) July 1 to June 30 with traps in all inland public waters, except public lakes, ponds, and other impounded waters;
- (21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

- (22) Cleveland:
 - (a) July 1 to August 31 with seines in all running public waters;
 - (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- (23) Columbus:
 - (a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;
 - (b) March 1 to April 30 with bow nets in Livingston Creek;
 - (c) July 1 to March 1 with hand-crank electrofishers (local law) in Waccamaw and Lumber rivers;
- (24) Craven:
 - (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except Pitch Kettle, Grindle, Slocum (downstream of the US 70 bridge), Spring, and Hancock Creeks and their tributaries; and with seines in the Neuse River;
- (25) Currituck:
 - (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (26) Dare:
 - (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake, and South Lake;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (27) Davidson:
 - (a) July 1 to August 31 with seines in all running public waters;
 - (b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;
- (28) Davie:
 - (a) July 1 to June 30 with traps and gigs in all public waters;
 - (b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;
- (29) Duplin:
 - (a) December 1 to June 5 with seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
 - (b) March 1 to April 30 with bow nets in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (30) Durham:

- (a) July 1 to August 31 with seines in Neuse River;
 - (b) July 1 to June 30 with gigs in all public waters;
- (31) Edgecombe: March 1 to April 30 with bow nets in all public waters;
- (32) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- (33) Franklin:
 - (a) July 1 to August 31 with seines in Tar River;
 - (b) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, Moore's, and Perry's Ponds, and in the Franklinton City ponds;
- (34) Gaston:
 - (a) July 1 to August 31 with seines in all running public waters;
 - (b) July 1 to June 30 with gigs, traps, and spear guns in all public waters;
- (35) Gates: March 1 to April 30 with bow nets in all inland public waters except public lakes, ponds, and other impounded waters;
- (36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (37) Granville:
 - (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
 - (b) July 1 to August 31 with seines in the Tar River below US 158 bridge;
 - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (38) Greene: March 1 to April 30 with bow nets and reels in Contentnea Creek;
- (39) Guilford:
 - (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
 - (b) July 1 to June 30 with gigs in all public waters;
- (40) Halifax: March 1 to April 30 with bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- (41) Harnett:
 - (a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
 - (b) March 1 to April 30 with bow nets in Cape Fear River;
- (42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- (43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (44) Hertford:
 - (a) July 1 to June 30 with traps in Wiccacon Creek;

- (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (45) Hyde:
 - (a) July 1 to June 30 with traps in all inland waters;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (46) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout Shoals Reservoir and Lake Norman;
- (47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (48) Johnston: March 1 to April 30 with bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River and Swift Creek;
- (49) Jones:
 - (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except the tributaries to the White Oak River;
- (50) Lee:
 - (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River;
 - (b) July 1 to August 31 with seines in Cape Fear River;
 - (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- (51) Lenoir:
 - (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
 - (b) March 1 to April 30 with bow nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;
- (52) Lincoln:
 - (a) July 1 to August 31 with seines in all running public waters;
 - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters;
- (53) McDowell:
 - (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
 - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

- (55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (56) Martin: March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (57) Mecklenburg:
 - (a) July 1 to August 31 with seines in all running public waters;
 - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters except Freedom Park Pond and Hornet's Nest Ponds;
- (58) Montgomery:
 - (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
 - (b) July 1 to June 30 with traps and gigs in all public waters;
- (59) Moore:
 - (a) July 1 to August 31 with seines in all running public waters except in Deep River;
 - (b) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- (60) Nash:
 - (a) July 1 to June 30 with gigs in all public waters, except Tar River;
 - (b) March 1 to April 30 with bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- (61) New Hanover: March 1 to April 30 with bow nets in all inland public waters, except Sutton (Catfish) Lake;
- (62) Northampton:
 - (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
 - (b) March 1 to April 30 with bow nets in Occoneechee Creek, Old River Landing Gut, and Vaughans Creek below Watsons Mill;
- (63) Onslow:
 - (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
 - (b) August 1 to March 31 with eel pots in the main run of New River between US 17 bridge and the mouth of Hawkins Creek;
 - (c) March 1 to April 30 with bow nets in the main run of New River and in the main run of the White Oak River;
 - (d) March 1 to April 30 with bow nets in Grant's Creek;
- (64) Orange:
 - (a) July 1 to August 31 with seines in Haw River,
 - (b) July 1 to June 30 with gigs in all public waters;

- (65) Pamlico: March 1 to April 30 with bow nets in all inland public waters, except Dawson Creek;
- (66) Pasquotank:
 - (a) July 1 to June 30 with traps in all inland waters;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (67) Pender:
 - (a) December 1 to June 5 with seines in the main run of Northeast Cape Fear River;
 - (b) March 1 to April 30 with bow nets in the Northeast Cape Fear River, Long Creek, Moore's Creek approximately one mile upstream to New Moon Fishing Camp, and Black River;
 - (c) July 1 to March 1 with hand-crank electrofishers (local law) in Black River;
- (68) Perquimans:
 - (a) July 1 to June 30 with traps in all inland waters;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds, and other impounded waters;
- (69) Person:
 - (a) July 1 to August 31 with seines in Hyco Creek and Mayo Creek;
 - (b) July 1 to June 30 with gigs in all public waters.
- (70) Pitt:
 - (a) July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee Creek east of Greenville;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except Grindle Creek, and Contentnea Creek between NC 118 bridge at Grifton and the Neuse River;
 - (c) December 1 to June 5 with seines in Tar River;
- (71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (72) Randolph:
 - (a) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
 - (b) July 1 to June 30 with gigs in all public waters;
- (73) Richmond:
 - (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
 - (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land;
 - (c) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
- (74) Robeson: December 1 to March 1 with gigs in all inland public waters.
- (75) Rockingham:

- (a) July 1 to August 31 with seines in Dan River and Haw River;
 - (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- (76) Rowan:
 - (a) July 1 to August 31 with seines in all running public waters,
 - (b) July 1 to June 30 with traps and gigs in all public waters;
- (77) Rutherford:
 - (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
 - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (78) Sampson:
 - (a) March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek;
 - (b) July 1 to March 1 with hand-crank electrofishers (local law) in Black River downstream of NC 1105 bridge;
- (79) Stanly:
 - (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
 - (b) July 1 to June 30 with traps and gigs in all public waters;
- (80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- (81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (84) Tyrrell:
 - (a) July 1 to June 30 with traps in Scuppernong River and Alligator Creek;
 - (b) March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds and other impounded waters;
- (85) Union:
 - (a) July 1 to August 31 with seines in all running public waters,
 - (b) July 1 to June 30 with traps and gigs in all public waters;
- (86) Vance:
 - (a) July 1 to August 31 with seines in the Tar River;

- (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
 - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (87) Wake:
 - (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
 - (b) March 1 to April 30 with bow nets in the Neuse River below Falls Lake Dam, and Swift Creek below Lake Benson Dam;
- (88) Warren:
 - (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; except Duck and Hammes Mill Ponds;
 - (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
 - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (89) Washington: March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds, and other impoundments.
- (90) Wayne: March 1 to April 30 with bow nets in Little River, Mill Creek and Neuse River.
- (91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spear guns in all public waters, except designated public mountain trout waters;
- (92) Wilson:
 - (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
 - (b) March 1 to April 30 with bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam; and
- (93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

History Note: Authority G.S. 113-134; 113-276; 113-292;
Eff. February 1, 1976;
Temporary Amendment Eff. December 29, 1988;
Temporary Amendment Eff. December 1, 1993;
Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; June 1, 1994;
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. August 1, 2019; August 1, 2015; May 1, 2007; June 1, 2005; August 1, 2004.

**Exhibit H-3
December 9, 2021**



**Fiscal Note for Proposed Adoption and Amendment of 15A NCAC 10C Rules
for the Wildlife Resources Commission**

Rule Amendments: 15A NCAC 10C .0301 - .0302
15A NCAC 10C .0305 - .0308
15A NCAC 10C .0313 - .0314
15A NCAC 10C .0316
15A NCAC 10C .0318 - .0319
15A NCAC 10C .0321 - .0324
15A NCAC 10C .0401 - .0402

Rule Adoptions: 15A NCAC 10C .0325 - .0326
15A NCAC 10C .0409 - .0430
15A NCAC 10C .0701 - .0702
15A NCAC 10C .0801

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Impact:

State Government:	Yes
Local Government:	No
Private Impact:	Yes
Substantial Economic Impact:	No

Authority: G.S. 113-132, 113-134, 113-136, 113-138, 113-292, 113-271, 113-272.2, 113-272.3, 113-275, 113-276, 113-276.1, 113-292

NECESSITY

Through work conducted on 15A NCAC 10C .0100 rules as part of the periodic review, it became apparent to the agency that confusion may exist around inland game fish and regulations regarding hook and line fishing in inland and joint fishing waters within the regulated community. As such, new rules and amendments to existing rules were developed to clarify restrictions on species and manner of take in the various fishing waters of the State.

SUMMARY

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)). The Wildlife Resources Commission (WRC) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take (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).

Based on work conducted on 10C .0100 rules as part of the periodic review, and discussions with Division of Marine Fisheries staff, it became apparent to the agency that rules regarding recreational fishing and inland game fish were unclear and that there were alternative interpretations regarding agency responsibilities. While no changes are being proposed as part of the joint rule (10C .0100) readoption, the WRC has decided to clarify the authority granted by 113-132 and agreed upon in joint rules previously adopted by both agencies.

The rules in this package are used by the WRC for fisheries management in inland and joint fishing waters. Proposed text for rule amendments can be found in Appendix A. Proposed text for rule adoptions can be found in Appendix B.

PROPOSED RULE AMENDMENTS

15A NCAC 10C .0300 GAME FISH IN INLAND FISHING WATERS

Except for rule 10C .0307, amendments to rules in this section are proposed to clarify current requirements regarding inland game fishes in inland fishing waters. Additionally, technical changes have been incorporated in all rules to update formatting and language as needed.

Proposed changes to 10C .0307 will establish a season, size, and creel limit for flounder in inland fishing waters (sea trout and red drum were removed to be separated into species specific rules). Currently, the rule defaults to recreational seasons, size and creel limits set by the Marine Fisheries Commission (MFC) or by proclamation issued by the Division of Marine Fisheries (DMF) Director. The Commission does not have proclamation authority for flounder (sea trout or red drum) but has the regulatory responsibility to manage the species. The proposed changes simply revert to Commission-specified season, size and creel limits promulgated in accordance with the APA. The proposed rule mimics the current DMF proclamation (FF-39-2021) for season, size, and creel, and is believed to meet management objectives for the recreational

fishery in inland fishing waters. However, the agency will continuously evaluate impacts to this species as part of routine fisheries management, which could lead to divergence from DMF proclamations in the future.

Fiscal Impact

State Impact

These rule amendments are anticipated to have no immediate impact, as the proposed change is part of routine fisheries management and will not require additional staff time or resources for implementation and enforcement. However, in the future, if the agency determines that recreational seasons, size, or creel limits should diverge from DMF proclamations to meet management objectives, impacts to the state may include additional education and outreach to the public to ensure recreational anglers are aware of the appropriate regulations. It should be noted that because the WRC is required to promulgate rules in accordance with the APA, and public outreach and input is part of that process, the affected public would likely be aware of potential changes before they were enacted, thus improving compliance, and reducing the potential need for extra education, outreach, or enforcement. Because the WRC is unsure about how or when seasons or limits may change, there is no way to quantify this potential impact.

Local Impact

The amendments to this rule are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, the amendments will have no immediate impact on individuals, as this change does not modify current season, size, or creel limits. However, in the future, if the WRC determines that recreational seasons, size, or creel limits in inland fishing waters should diverge from limits set by the DMF, the different seasons and/or limits in inland fishing waters could be confusing to the public and could result in compliance issues and additional enforcement action. If the WRC proposes changes to inland waters, confusion will be minimized through engagement in the rulemaking process and outreach after amendments are finalized.

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES

The proposed amendments to this rule are clarifications and modifications to make content specific to manner of take. Deleted language has been moved elsewhere in rules of Section .0400 as needed.

Fiscal Impact

State Impact

The amendments to this rule are anticipated to have no State impacts.

Local Impact

The amendments to this rule are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, the amendments proposed to this rule are anticipated to have no private impacts.

15A NCAC 10C .0402 TAKING NONGAME FISHES BY SPECIAL DEVICE FOR BAIT OR PERSONAL CONSUMPTION

The proposed amendments to this rule are clarifications and modifications to make content specific to the rule title. Deleted language has been moved elsewhere in rules of Section .0400 as needed.

Fiscal Impact

State Impact

The amendments to this rule are anticipated to have no State impacts.

Local Impact

The amendments to this rule are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, the amendments proposed to this rule are anticipated to have no private impacts.

PROPOSED RULE ADOPTIONS

15A NCAC 10C .0300 GAME FISH IN INLAND FISHING WATERS

The two rules proposed to be added to this Section are for sea trout and red drum, species currently included in 10C .0307. Rule 10C .0325 will establish season, size, and creel limits for sea trout in inland fishing waters. Currently, the rule for this species defaults to the season and limits set by the MFC or by proclamations issued by the DMF Director. The Commission does not have proclamation authority for sea trout but has the regulatory responsibility to manage the species. The proposed changes simply revert to Commission-specified season, size and creel limits promulgated in accordance with the APA. The proposed rule mimics the current DMF proclamation (FF-23-2018) for season, size, and creel, and is believed to meet management objectives for the recreational fishery in inland fishing waters. However, the agency will continuously evaluate impacts to this species as part of routine fisheries management, which could lead to divergence from DMF proclamations in the future.

Rule 10C .0326 will establish a season, size, and creel limits for red drum in inland fishing waters. Currently, the rule for this species defaults to the season and limits set by the MFC or by proclamations issued by the DMF Director. The Commission does not have proclamation authority for red drum but has the regulatory responsibility to manage the species. The proposed changes simply revert to Commission-specified season, size and creel limits promulgated in

accordance with the APA. The proposed rule mimics the current DMF rule for season, size, and creel, and is believed to meet management objectives for the recreational fishery in inland fishing waters. However, the agency will continuously evaluate impacts to this species as part of routine fisheries management, which could lead to divergence from DMF proclamations in the future.

Fiscal Impact

State Impact

These rules are anticipated to have no immediate impact on the state, as the proposed regulation of these species is part of routine fisheries management and will not require additional staff time or resources for implementation and enforcement. However, in the future, if the agency determines that recreational seasons, size, or creel limits should diverge from DMF proclamations to meet management objectives, impacts to the state may include additional education and outreach to the public to ensure recreational anglers are aware of the appropriate regulations. It should be noted that because the WRC is required to promulgate rules in accordance with the APA, and public outreach and input is part of that process, the affected public would likely be aware of potential changes before they were enacted, thus improving compliance, and reducing the potential need for extra education, outreach, or enforcement. Because the WRC is unsure about how or when seasons or limits may change, there is no way to quantify this potential impact.

Local Impact

These rules are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, these rules will have no immediate impact on individuals, as this rule does not modify current season, size, or creel limits. However, in the future, if the WRC determines that recreational seasons, size, or creel limits in inland fishing waters should diverge from those set by the DMF, the different seasons and/or limits in inland fishing waters could be confusing to the public and could result in compliance issues and additional enforcement action. If the WRC proposes changes to inland waters, confusion will be minimized through engagement in the rulemaking process and outreach after amendments are finalized.

15A NCAC 10C .0400 NONGAME FISH IN INLAND FISHING WATERS

The rules proposed to be added to this Section are to clarify information from existing rules 10C .0401 and .0402. Species specified in those rules were moved into species-specific .0400 rules and those not specified (Atlantic croaker, black drum, bluefish, cobia, king mackerel, mullet, sharks, sheepshead, Spanish mackerel, spot, tarpon, and weakfish - previously covered under 10C .0401(b) and (r); no season, size, or creel limit in inland fishing waters; sale allowed) were identified and moved into their own rules with specific regulation on season, size, creel, and sale based on current MFC rules or DMF proclamations and for conservation purposes.

Fiscal Impact

State Impact

These rules are anticipated to have no immediate impact on the State, as the proposed regulation of these species is part of routine fisheries management and will not require additional staff time or resources for implementation or enforcement. Routine outreach, education and enforcement will mitigate any minimal compliance issues resulting from this change. However, in the future, if the agency determines that recreational seasons, size, or creel limits should diverge from DMF proclamations to meet management objectives, impacts to the state may include additional education and outreach to the public to ensure recreational anglers are aware of the appropriate regulations. It should be noted that because the WRC is required to promulgate rules in accordance with the APA, and public outreach and input is part of that process, the affected public would likely be aware of potential changes before they were enacted, thus improving compliance, and reducing the potential need for extra education, outreach, or enforcement. Because the WRC is unsure about how or when seasons or limits may change, there is no way to quantify this potential impact.

Local Impact

These rules are anticipated to have no local government impacts.

Private Impact

The new seasons, size, creel limits and restrictions on sale established for Atlantic croaker, black drum, bluefish, cobia, king mackerel, mullet, sharks, sheepshead, Spanish mackerel, spot, tarpon, and weakfish in inland fishing waters are anticipated to have very minimal impacts to the public as observation and creel data indicate that these species are infrequently, if ever, caught in inland waters. These impacts could include changes to angler effort, consumption or income depending on the species. It is also likely that making inland fishing rules for these species consistent with joint and coastal seasons, size and creel limits will clarify and improve regulatory complexity, thus generally resulting in compliance. However, in the future, if the WRC determines that recreational seasons, size, or creel limits in inland fishing waters should diverge from limits set by the DMF, the different seasons and/or limits in inland fishing waters could be confusing to the public and could result in compliance issues and additional enforcement action.

While it is possible that a few anglers target and sell these fishes in inland fishing waters and could be impacted by this proposed change, and future changes could result in minimal compliance issues, the benefits of decreasing regulatory complexity are anticipated to outweigh the potential costs to anglers encountering new restrictions. Unfortunately, there is no way to estimate this potential impact.

15A NCAC 10C .0700 FISHES IN JOINT FISHING WATERS

Rule 10C .0701 is proposed to clarify game fishes under WRC jurisdiction in joint fishing waters and their corresponding restrictions. Rule 10C .0702 is proposed to clarify restrictions on fishes taken by hook and line in joint fishing waters per authority established in 10C .0106. While these

hook and line restrictions are currently the same as DMF regulations for the species, the agency will continuously evaluate impacts to species as part of routine fisheries management, which could lead to divergence from DMF proclamations in the future.

Fiscal Impact

State Impact

These rules are anticipated to have no impact on the state, as the proposed regulation of these species is part of routine fisheries management and will not require additional staff time or resources for implementation and enforcement. However, in the future, if the agency determines that recreational seasons, size, or creel limits for hook and line fisheries should diverge from DMF proclamations to meet management objectives, impacts to the state may include additional education and outreach to the public to ensure recreational anglers are aware of the appropriate regulations. It should be noted that because the WRC is required to promulgate rules in accordance with the APA, and public outreach and input is part of that process, the affected public would likely be aware of potential changes before they were enacted, thus improving compliance, and reducing the potential need for extra education, outreach, or enforcement. Because the WRC is unsure about how or when seasons or limits may change, there is no way to quantify this potential impact.

Local Impact

These rules are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, these rules are not anticipated to impact individuals immediately, as they do not modify current season, size, or creel limits. However, in the future, if the WRC determines that recreational seasons, size, or creel limits for hook and line fisheries in joint fishing waters should diverge from limits set by the DMF, the different seasons and/or limits in joint fishing waters could be confusing to the public fishing in inland/joint and coastal fishing waters and could result in compliance issues and additional enforcement action. If the WRC proposes changes, confusion will be minimized through engagement in the rulemaking process and outreach after amendments are finalized.

15A NCAC 10C .0800 GAME FISH IN COASTAL FISHING WATERS

Rule 10C .0801 is proposed to clarify game fishes under WRC jurisdiction in coastal fishing waters and their corresponding restrictions.

Fiscal Impact

State Impact

These rules are anticipated to have no impact on the state, as the proposed regulation of these species is part of routine fisheries management and will not require additional staff time or resources for implementation and enforcement.

Local Impact

These rules are anticipated to have no local government impacts.

Private Impact

Aside from clarification of requirements for the public, these rules are not anticipated to impact individuals, as they do not modify current season, size, or creel limits.

EXHIBIT I-I

December 9, 2021



APPLICATION FOR RULEMAKING FROM MORROW MOUNTAIN STATE PARK AND AGENCY PROPOSED AMENDMENTS FOR TECHNICAL CHANGES TO 15A NCAC 10F .0317 – STANLY COUNTY

The Wildlife Resources Commission received a formal application and letter from Jeff Davidson, Morrow Mountain State Park Superintendent, requesting consideration of rulemaking on a portion of Lake Tillery at Morrow Mountain State Park, within 50 yards of the shoreline for approximately 1,300 feet, from a point north of the Morrow Mountain Boathouse to a point south of the Morrow Mountain Boat Launch.

Morrow Mountain State Park agreed to purchase and place no-wake signage necessary to mark the no-wake zone. The Wildlife Resources Commission agreed to be responsible for damaged or missing buoys upon request. A Fiscal Note (**Exhibit I-1**) detailing the expected expense incurred by a subdivision of the State (Morrow Mountain State Park) and the agency as the result of rulemaking was submitted for review by the Office of State Budget and Management.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A and Map**). Hazards to boater safety were noted, including a public boat ramp, fishing pier, and recreational rental boathouse. Also, the Park emergency response boat is docked at the boathouse. It is the assessment of Enforcement that regulation in the area will reduce safety hazards and risk of injuries and drowning in the heavily congested area.

As part of preparation of the Notice of Text for proposed changes to 15A NCAC 10F .0317 Stanly County, staff proposes technical amendments to the Rule to itemize all public and private Boating Access Areas in Stanly County on Badin Lake [10F .0317(a)(1)(B)(C)], Lake Tillery [10F .0317 (a)(2)(D)(E)], and Tuckertown Reservoir [10F .0317(a)(3)]. A technical amendment will identify the location of the existing Badin Swim Area [10F .0317(b)] and codify it in the North Carolina Administrative Code. These changes will define regulated areas by name and location for guidance to the regulated public and for law enforcement.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments to 15A NCAC 10F .0317, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the Morrow Mountain State Park no-wake zone and technical changes.

15A NCAC 10F .0317 STANLY COUNTY

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

- (1) ~~Badin Lake, within 50 yards northeast and southwest of the section of railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line. Badin Lake.~~
 - (A) within 50 yards northeast and southwest of the section of the railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line;
 - (B) Old Whitney Boating Access Area on Old Whitney Road in New London; and
 - (C) Badin Lake Boat Ramp, 293 N.C. Highway 740 in Badin.
- (2) Lake Tillery.
 - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W; and
 - (B) ~~The the~~ waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood. Norwood;
 - (C) the waters within 50 yards of the shoreline at Morrow Mountain State Park, from a point north of the Morrow Mountain Boathouse at a point at 35.38256 N, 80.06221 W, to a point south of the Morrow Mountain Boat Launch at 35.37919 N, 80.06114 W;
 - (D) Norwood Boating Access Area, 307-A Lakeshore Drive in Norwood; and
 - (E) Stony Mountain Boating Access Area, 22682-A Lake Tillery Road in Albemarle.
- (3) Tuckertown Reservoir, within 50 yards of the N.C. Highway 49 Boat Ramp at 36824 N.C. Highway 49 in New London.

~~(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)(b) 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. the waters of the Badin Swim Area.~~

~~(d)(c) 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 North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraph (a)(1) of this Rule. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Parts (a)(2)(A) and (B) of this Rule.~~

~~(e)(d) Placement of Markers.~~

(1) The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraphs (a)(1)(A), (B), (C), (a)(2)(D), (E), and (a)(3) of this Rule.

- (2) The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Subparagraphs (a)(2)(A), (B) and Paragraph (b) of this Rule.
- (3) Morrow Mountain State Park shall be the designated agency for placement of markers implementing Subparagraph (a)(2)(C) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977;

Temporary Amendment Eff. June 1, 1998;

Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. October 1, 2018;

Emergency Amendment Eff. July 30, 2019;

Temporary Amendment Eff. June 1, 2020; October 1, 2019;

Temporary Amendment Expired February 26, 2021;

Amended Eff. June 1, 2022; October 1, 2021; February 1, 2021.



Division of Parks and Recreation
NC Department of Natural and Cultural Resources

Governor Roy Cooper

Secretary D. Reid Wilson

October 02, 2021

Ms. Betsy Haywood
Water Safety Rulemaking Coordinator
NC Wildlife Resources Commission
Law Enforcement Division
[REDACTED]

RE: Request for 'No Wake Zone' at Morrow Mountain State Park

Dear Ms. Haywood:

On behalf of Morrow Mountain State Park, I am requesting a 'No Wake Zone' to be established on Lake Tillery from above the park's boathouse to below the park's boat ramp. The length of this area will be approximately 1,300 ft and marked 300 ft from the park's shoreline. The park has an active Lake Management Zone Lease with Duke Energy, allowing the park to assist with the management of the lake 300 ft from the park's shoreline.

The primary purpose of establishing the 'No Wake Zone' would be to mitigate water safety hazards in these public vessel access areas. The public boat ramp allows people to launch and retrieve boats. The park's boathouse is a recreational rental facility that launches and retrieves boats rented by the public, many of which have only beginner-level paddling skills. The boathouse is also the location of where the park's emergency response boat is docked. Requiring boats on the lake to travel at idle speed through this area will greatly improve the safety aspects of this heavily congested area including a risk reduction of injury and drowning.

If approved, the Division of Parks and Recreation will purchase the buoys from the NCWRC. Morrow Mountain State Park will be responsible for replacing and managing the buoys. Thank you for considering this request.

If you have questions, comments, or concerns, please let me know at my contact information below.

Sincerely,

[REDACTED]
Jeff Davidson
Park Superintendent
NC Dept. of Natural and Cultural Resources
[REDACTED]

Morrow Mountain State Park | [REDACTED]

Dwayne Patterson, Director
NC Division of Parks and Recreation
[REDACTED]

NORTH CAROLINA STATE PARKS
Naturally Wonderful



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Morrow Mountain State Park
- Primary contact information: Jeff Davidson, Park Superintendent [REDACTED]
- Location of requested no-wake zone:
 - Body of water and County: Lake Tillery, Stanly County
 - Location: North of park boathouse to south of park boat ramp
 - Popular name of area, if any: Morrow Mountain State Park
 - Width of No-Wake Zone: Narrowest Point: 300ft Widest Point: 300ft
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
Morrow Mountain boat launch, fishing pier, and rental vessel launch and recovery area.

Attach map of designated no-wake zone

The Park Superintendent included in the request a possible distance from shore of 100 yards as described in the Lake Management Zone lease with Duke Energy to allow the Park to assist with lake management 300 feet from the shoreline, but would be amenable to 50 yards if preferred. Included on one map is line showing full pond level.

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

Mitigation of water safety hazards is requested in public vessel access areas in the park, including the public boat ramp, the boathouse that is recreational rental facility for boats used by many with beginner level paddling skills. Also, the park emergency response boat is docked at the boathouse. No wake speed will improve the safety aspects of the heavily congested area and reduce risk of injuries and drowning. The map also denotes the location of the proposed fishing pier for the park, between the boathouse and the boat launch.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☒ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☒

☒ PUBLIC BOAT ACCESS

Name of Access Area: Morrow Mountain Boat Launch

☒ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: Morrow Mountain Fishing Pier

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☐ OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☐ NARROW CHANNEL (give approximate width) _____

☐ SHALLOW WATER (give average depth) _____



NO-WAKE ZONE INVESTIGATION MATRIX

☐ OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☐ BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

☐ TRESTLE Height above water: _____
Width between piers: _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? ☐ YES ☐ NO

☐ SANDBAR _____

☐ SHOAL _____

☐ OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☐ CITATIONS ISSUED Violations: _____

☐ VERIFIED COMPLAINTS List: _____

- Rate traffic density in this area LIGHT ☒
- Is traffic density specific to weekend/and or holidays? YES ☒ NO ☐
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☐ NO ☒

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☐ YES Identify Violations: _____
☐ NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?
☒ YES Distance extended into channel: 300ft
☐ NO
- Total distance travelled at no-wake speed (in feet): 1,170ft
- Estimated travel time through propose area at no-wake speed: 2 min 55 seconds
- Width of proposed no-wake zone (in feet): Narrowest: 300ft Widest: 300ft
- Does proposed no-wake zone meet criteria for consideration?
☐ YES: Appropriately sized
☒ YES: Adjusted size recommended
☐ NO
- Description/Explanation of adjusted size
A 50 yard wide no wake zone extending from 50 yards downstream of the Morrow Mountain Boat launch to 50 yards above the Morrow Mountain Rental Boathouse. This area would include the newly constructed Morrow Mountain Fishing Pier as well. This adusted size would put the area in accordance with 15A NCAC 10E .0104(e) that pertains to Commission owned or regulated areas.
- ☒ Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☒

NO: ☐

- Justification:

Please See Attached Justification

Officer: BC Barbee

Date: 10/15/2021

Sergeant: Darby D.W. Enoch 261

Date: 10/20/2021



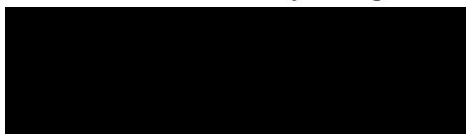
☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

Jeff Davidson, Superintendent on behalf of Morrow Mountain State Park, requested an assessment matrix for possible no-wake zone addition within either 50 yards or 100 yards of the shoreline. This NWZ request would include north of the Park Public Boathouse to south of the park boat launch. Mr. Davidson notes the reasoning for this request is to mitigate water safety hazards in public vessel access areas in the park, including the public boat ramp, the boathouse that is recreational rental facility for boats used by many with beginner level paddling skills. Also, the park emergency response boat is docked at the boathouse. No wake speed will improve the safety aspects of the heavily congested area and reduce risk of injuries and drowning.

On 10/16/21 I patrolled to the area requested to survey the area for boating safety issues and assess the area for a possible no wake zone addition. At the time, the vessel traffic on this portion of the lake was light. In my experience, the vessel traffic on this portion of the lake is generally low except for weekends and holidays during the warm weather months. I observed the public boat ramp, fishing pier, and recreational rental boathouse mentioned above. There were in my estimation 20 to 30 canoes and kayaks launching out of the boathouse onto the lake. There were approximately 10 people fishing from the newly constructed fishing pier just downstream from the boathouse. No danger or no wake buoys are currently placed in this area. The presence of a public boat ramp and fishing pier meet the criteria for the placement of a no wake zone. It is in my opinion that the recreational rental facility should be covered in the regulated no wake zone area as well. A no wake zone covering this area would provide a safe area for novice boaters and paddlers to launch and recover their vessels.

The main channel of Lake Tillery in this area is approximately 1000 feet wide when the lake is near full level. The requested 100-yard wide no wake zone would occupy approximately 30% of the main channel at this specific location. This requested distance of 100-yards could potentially push boat operators who to the shallower Montgomery County side of the lake to avoid an NWZ. It is my opinion to adjust this no wake zone to 50-yards in width which I believe would be appropriate in this area. A 50-yard distance would mirror many other managed areas as provided by 15A NCAC 10E .0104(e). This would provide uniformity in regulated areas along the lake, provide an adequate protected area for the three facilities, and allow boaters to safely navigate the channel.



Master Officer BC Barbee NCWRC 47

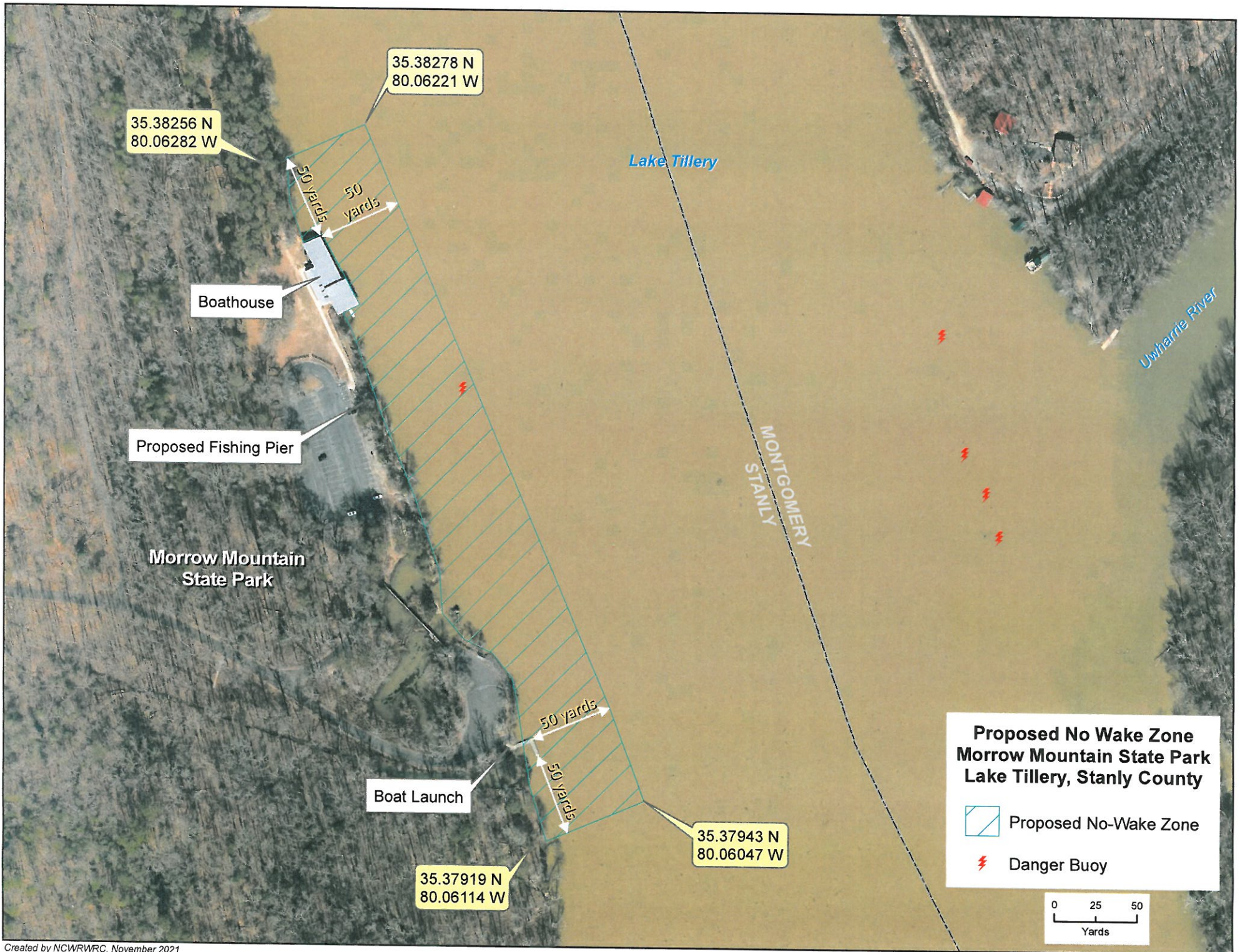


EXHIBIT I-2

December 9, 2021



Fiscal Note Review for Proposed No-Wake Zone Rule 15A NCAC 10F .0317 – Stanly County

Contact: Ashley Pekarul
Regulatory Analyst

[REDACTED]
[REDACTED]

Betsy Haywood
Water Safety Rulemaking Coordinator

[REDACTED]
[REDACTED]
[REDACTED]

Impact: State Government: Yes
Local Government: Yes
Private Impact: Minimal
Substantial Impact: No

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

The proposed rule, 15A NCAC 10F .0317 – Stanly County (APPENDIX 1) will create a no-wake zone within 50 yards of the shoreline of Morrow Mountain State Park on Lake Tillery, beginning 50 yards north of the Morrow Mountain Boathouse and ending 50 yards south of the Morrow Mountain Boat Launch.

Morrow Mountain State Park applied for rulemaking to mitigate hazards to boater safety. Water safety hazards at public vessel access areas in the park including the public boat ramp, boathouse that is a recreational rental facility, the emergency response boat that is docked at the boathouse, and at the new fishing pier will be mitigated by placement of two no-wake markers, one north of the boathouse and one south of the boat launch.

Morrow Mountain State Park will mark the no-wake zone at an estimated cost of \$716.00. Two no-wake buoys will cost \$600.00 (\$300.00 per buoy). Two technicians will spend two hours each (4 hours x \$29.00/hr¹ = \$116.00).

EXHIBIT I-2

December 9, 2021

State Impact Analysis: Morrow Mountain Park will purchase and place the markers at a cost of \$716.00 for materials and labor. WRC is responsible for maintenance of the no-wake markers for Morrow Mountain State Park in Burke County. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 and only if a marker is destroyed and must be replaced.

Local Impact Analysis: No local impact anticipated.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters within 50 yards of the shoreline at Morrow Mountain State Park on that portion of Lake Tillery.

Substantial Economic Impact: There will be no substantial economic impact to the public.

¹calculated using average salary and benefits of current technicians.

APPENDIX 1

15A NCAC 10F .0317 STANLY COUNTY

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

- (1) ~~Badin Lake, within 50 yards northeast and southwest of the section of railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line. Badin Lake.~~
 - (A) ~~within 50 yards northeast and southwest of the section of the railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line;~~
 - (B) ~~Old Whitney Boating Access Area on Old Whitney Road in New London; and~~
 - (C) ~~Badin Lake Boat Ramp, 293 NC Highway 740 in Badin.~~
- (2) Lake Tillery.
 - (A) ~~Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W; and~~
 - (B) ~~The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood. Norwood;~~
 - (C) ~~the waters within 50 yards of the shoreline at Morrow Mountain State Park, from a point north of the Morrow Mountain Boathouse at a point at 35.38256 N, 80.06221 W, to a point south of the Morrow Mountain Boat Launch at 35.37919 N, 80.06114 W;~~
 - (D) ~~Norwood Boating Access Area, 307-A Lakeshore Drive in Norwood; and~~
 - (E) ~~Stony Mountain Boating Access Area, 22682-A Lake Tillery Road in Albemarle.~~
- (3) ~~Tuckertown Reservoir, within 50 yards of the NC Highway 49 Boat Ramp at 36824 NC Highway 49 in New London.~~

~~(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. the waters of the Badin Swim Area.~~

~~(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 North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraph (a)(1) of this Rule. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Parts (a)(2)(A) and (B) of this Rule.~~

~~(e)(d) Placement of Markers.~~

- (1) The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraphs (a)(1)(A), (B), (C), (a)(2)(D), (E), and (a)(3) of this Rule.
- (2) The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Subparagraphs (a)(2)(A), (B) and Paragraph (b) of this Rule.
- (3) Morrow Mountain State Park shall be the designated agency for placement of markers implementing Subparagraph (a)(2)(C) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977;
Temporary Amendment Eff. June 1, 1998;
Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018;
Emergency Amendment Eff. July 30, 2019;
Temporary Amendment Eff. June 1, 2020; October 1, 2019;
Temporary Amendment Expired February 26, 2021;
Amended Eff. June 1, 2022; October 1, 2021; February 1, 2021.*

EXHIBIT J-1

December 9, 2021



APPLICATION FOR RULEMAKING FROM LAKE JAMES STATE PARK AND AGENCY PROPOSED AMENDMENTS FOR TECHNICAL CHANGES TO 15A NCAC 10F .0323 – BURKE COUNTY

The Wildlife Resources Commission received a formal application and letter from Nora Coffey, Lake James State Park Superintendent, requesting consideration of rulemaking on a portion of Lake James in Burke County on Mills Creek at Lake James State Park, within 50 yards northwest and southeast of the Cove pedestrian bridge.

Lake James State Park agreed to purchase and place no-wake signage necessary to mark the no-wake zone. The Wildlife Resources Commission agreed to be responsible for damaged or missing buoys upon request. A Fiscal Note (**Exhibit J-2**) detailing the expected expense incurred by subdivisions of the State (Lake James State Park) and the agency as the result of rulemaking was submitted for review by the Office of State Budget and Management.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A and Map**). Hazards to boater safety were noted, including a narrow area under the bridge and fishing piers located in the middle of the bridge on both sides. Boats going under the bridge are in a direct path of anglers and their fishing gear. There is a blind turn on the northwest side of the bridge. Wildlife Enforcement officers have encountered subjects jumping from the bridge into the middle of the channel, which is not legal and creates a hazard to boaters and water recreationists. It is the assessment of Enforcement that regulation in the area will reduce safety hazards and risk of injuries as wakeboarding and tubing become more popular too.

As part of preparation of the Notice of Text for the amendment to 15A NCAC 10F .0323 Burke County, staff proposes a technical amendment to clarify text and to identify the name and location of the existing Paddy's Creek Swim Area at Lake James State Park [10F .0323(d)] where vessel entry is prohibited (**see Map attached**), and to codify the existing swim area into the North Carolina Administrative Code. In 15A NCAC 10F .0323(b), Speed limit - language shall be removed pertaining to regulated speed limit or vessel entry in areas unless they are codified in the North Carolina Administrative Code and are described in 15A NCAC 10F .0323 (a)(1), (2)(A) through (J), (3), (c), and (d).

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments to 15A NCAC 10F .0323, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the Lake James State Park Cove bridge no-wake zone and technical changes including the Paddy's Creek swimming area.

ATTACHMENT A

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies ~~only~~ to the following waters ~~or portions of waters~~ in Burke County:

- (1) ~~Lake Hickory;~~ Hickory.
- (2) ~~Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:~~ Lake James at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) ~~The the~~ waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;
 - (F) ~~Eastern shore of Lake James at Mallard Cove;~~ Mallard Cove shore to shore, southwest of a point at 35.74437 N, 81.87053 W;
 - (G) ~~That the~~ portion of Lake James shore to shore, beginning 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;
 - (H) ~~The the~~ waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; ~~and~~
 - (I) ~~The the~~ waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W; ~~W; and~~
 - (J) the waters of Mills Creek at Lake James State Park, shore to shore from a point 50 yards northwest of the Cove bridge at 35.76469 N, 81.87703 W to a point 50 yards southeast of the bridge at 35.76406 N, 81.87637 W.
- (3) Lake Rhodhiss.

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

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) ~~Restricted Swimming Areas.~~ Swimming Area. ~~No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.~~ person operating or responsible for the operation of a vessel shall permit it to enter the waters of Paddy's Creek Swim Area at Lake James State Park Road in Nebo.

~~(e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(e) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Burke County, for the regulated areas designated in Subparagraphs (a)(2)(A) through (I) of this Rule; and
- (2) Lake James State Park for the regulated areas designated in Subparagraph (a)(2)(J) and Paragraph (d) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. July 1, 1976;

Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;

Temporary Amendment Eff. April 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. August 15, 2001;

Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2017;

Emergency Amendment Eff. November 2, 2020;

Temporary Amendment Eff. December 30, 2020; Temporary Amendment Expired September 26, 2021;

Amended Eff. June 1, 2022; February 1, 2021.



Division of Parks and Recreation
NC Department of Natural and Cultural Resources

Governor Roy Cooper

Secretary D. Reid Wilson

November 2, 2021

Betsy Haywood
Water Safety Rulemaking Coordinator
Law Enforcement Division
NC Wildlife Resources Commission

Dear Ms. Haywood:

Lake James State Park is requesting the establishment of a No-Wake Zone below the new Cove Bridge over the Mills Creek Channel on Lake James. The state park has publicly announced its intention to seek a no-wake zone in this location.

If our request is approved, the state park will purchase the buoys to be placed in accordance with NC Wildlife Resources requirements.

If you have any questions, please do not hesitate to contact me at (828) 584-7728.

Sincerely,

Nora J. Coffey, Superintendent
Lake James State Park

Dwayne Patterson, Director
NC Division of Parks and Recreation

NORTH CAROLINA STATE PARKS
Naturally Wonderful



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: NC State Parks Lake James
- Primary contact information: Nora Coffey Supt [REDACTED]
- Location of requested no-wake zone:
 - Body of water and County: Lake James Burke Co.
 - Location: Mill Creek Cove
 - Popular name of area, if any: pedestrian bridge area
 - Width of No-Wake Zone: Narrowest Point: 64 yards Widest Point: 65 yards
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
Foot bridge going across Mills Creek that has fishing piers above the middle of the channel.

Attach map of designated no-wake zone

New map attached with actual bridge and buoy placement.

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

New pedestrian bridge has bump out deck areas for anglers and fast boat traffic on both sides of bridge interferes with fishing recreation. There is concern of boaters getting snagged by fish hooks cast from the angling decks. Also individuals jump from bridge and there is concern about them getting run over by fast running motorized vessels. State Park recommends NWZ within 50 yards of both sides of the pedestrian bridge.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☐ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☐

☐ PUBLIC BOAT ACCESS

Name of Access Area: _____

☒ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: Mills Creek Foot Bridge/Fishing Pier

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☐ OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☒ NARROW CHANNEL (give approximate width) 64 Yards

☐ SHALLOW WATER (give average depth) _____



NO-WAKE ZONE INVESTIGATION MATRIX

☒ OBSTRUCTED VISION (for approximately how great a distance) 80 Yards

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☒ BRIDGE Roadway: _____
Height above water: 20 Ft.
Width between piers: 65 Yards

☐ TRESTLE Height above water: _____
Width between piers: _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? ☐ YES ☒ NO

☐ SANDBAR _____

☐ SHOAL _____

☐ OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☒ CITATIONS ISSUED Violations: BWI and Careless and Negligent Operation

☐ VERIFIED COMPLAINTS List: _____

-
- Rate traffic density in this area MEDIUM ☒
 - Is traffic density specific to weekend/and or holidays? YES ☒ NO ☐
 - Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☒ NO ☐

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☐ YES Identify Violations: _____
☒ NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?

☒ YES

Distance extended into channel: 300 feet

☐ NO

- Total distance travelled at no-wake speed (in feet): 300 feet
- Estimated travel time through propose area at no-wake speed: 1 min.
- Width of proposed no-wake zone (in feet): Narrowest: 192 Widest: 195
- Does proposed no-wake zone meet criteria for consideration?
 - ☒ YES: Appropriately sized
 - ☐ YES: Adjusted size recommended
 - ☐ NO
- Description/Explanation of adjusted size
- ☐ Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☒

NO: ☐

- Justification:

The Mills Creek Foot Bridge has fishing piers located in the middle on both sides. Boats that are going under the bridge will be in a direct path of anglers lines, hooks, sinkers, etc. There is also a blind turn on the NW side of the foot bridge. The officers at Lake James State Park have had several issues with subjects jumping off of the bridge directly into the middle of the channel. I witnessed three people jump off of the bridge while working on this matrix. This cove has become more popular for wake boarding and tubing and I believe the NWZ is needed in this location.

Officer: D.K. Ethridge

Date: 08/02/2021

Sergeant: _____

Date: _____

15A NCAC 10F. 0323 - Proposed No Wake Zone
Pedestrian Cove Bridge, Lake James, Burke County



15A NCAC 10F. 0323 - Proposed No Wake Zone
Marked Swim Zone, Lake James, Burke County



EXHIBIT J-2

December 9, 2021

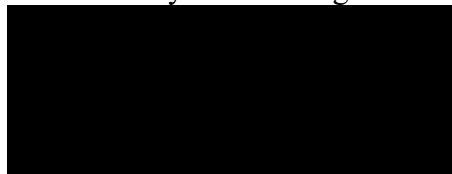


Fiscal Note Review for Proposed No-Wake Zone Rule 15A NCAC 10F .0323 – Burke County

Contact: Ashley Pekarul
Regulatory Analyst



Betsy Haywood
Water Safety Rulemaking Coordinator



Impact: State Government: Yes
Local Government: No
Private Impact: Minimal
Substantial Impact: No

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

The proposed rule, 15A NCAC 10F .0323 - Burke County (APPENDIX 1) will create a no-wake zone 50 yards northwest and southeast of the Mills Creek pedestrian bridge on Mills Creek at Lake James State Park on Lake James in Burke County.

Lake James State Park applied for rulemaking to mitigate hazards to boater safety. The new pedestrian Cove bridge has fishing piers on both sides centered over the middle of the channel. The channel is narrow with high traffic during summer months and on weekends throughout the year. Anglers casting on the fishing piers create hazards for boaters passing under the bridge and visitors jump from the bridge into the channel.

The Lake James State Park will mark the no-wake zone at an estimated cost of \$716.00. Two no-wake buoys will cost \$600.00 (\$300.00 per buoy). Two technicians will spend two hours each (4 hours x \$29.00/hr¹ = \$116.00).

EXHIBIT J-2

December 9, 2021

State Impact Analysis: Lake James State Park will purchase and place the markers at a cost of \$716.00 for materials and labor. WRC is responsible for maintenance of the no-wake markers for the Lake James State Park in Burke County. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 and only if a marker is destroyed and must be replaced.

Local Impact Analysis: No local impact anticipated.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters in the portion of Mills Creek on Lake James, within 50 yards of both sides of the pedestrian bridge.

Substantial Economic Impact: There will be no substantial economic impact to the public.

¹calculated using average salary and benefits of current technicians.

EXHIBIT J-2
December 9, 2021

EXHIBIT J-2

December 9, 2021

APPENDIX 1

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies ~~only~~ to the following waters ~~or portions of waters~~ in Burke County:

- (1) ~~Lake Hickory; Hickory.~~
- (2) ~~Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:~~ Lake James at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) ~~The the~~ waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;
 - (F) ~~Eastern shore of Lake James at Mallard Cove; Mallard Cove shore to shore, southwest of a point at 35.74437 N, 81.87053 W;~~
 - (G) ~~That the~~ portion of Lake James shore to shore, beginning 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;
 - (H) ~~The the~~ waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; ~~and~~
 - (I) ~~The the~~ waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W; ~~W; and~~
 - (J) the waters of Mills Creek at Lake James State Park, shore to shore from a point 50 yards northwest of the Cove bridge at 35.76469 N, 81.87703 W to a point 50 yards southeast of the bridge at 35.76406 N, 81.87637 W.

(3) Lake Rhodhiss.

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

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) ~~Restricted Swimming Areas. Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.~~ person operating or responsible for the operation of a vessel shall permit it to enter the waters of Paddy's Creek Swim Area at Lake James State Park Road in Nebo.

(e) ~~Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(e) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Burke County, for the regulated areas designated in Subparagraphs (a)(2)(A) through (I) of this Rule; and
- (2) Lake James State Park for the regulated areas designated in Subparagraph (a)(2)(J) and paragraph (d) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. July 1, 1976;
Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;
Temporary Amendment Eff. April 1, 1999;
Amended Eff. July 1, 2000;*

EXHIBIT J-2

December 9, 2021

Temporary Amendment Eff. August 15, 2001;

EXHIBIT J-2

December 9, 2021

Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2017;

Emergency Amendment Eff. November 2, 2020;

Temporary Amendment Eff. December 30, 2020; Temporary Amendment Expired September 26, 2021;

Amended Eff. June 1, 2022; February 1, 2021.

EXHIBIT K-1

December 9, 2021



APPLICATION FOR RULEMAKING FROM CITY OF GREENVILLE FOR PROPOSED AMENDMENT TO 15A NCAC 10F .0354 – PITT COUNTY

The Wildlife Resources Commission received a formal application and Resolution from the City of Greenville in Pitt County, requesting consideration of rulemaking for a no-wake zone shore to shore on Barber Lake at Wildwood Park, beginning north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W.

The City of Greenville agreed to purchase and place no-wake signage necessary to mark the no-wake zone. The Wildlife Resources Commission agreed to be responsible for damaged or missing buoys upon request. A Fiscal Note (**Exhibit K-2**) detailing the expected expense incurred by a subdivision of the State (City of Greenville in Pitt County) and the agency as the result of rulemaking was submitted for review by the Office of State Budget and Management.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A and Map**). Hazards to boater safety were noted, including the shallow lake with a narrow and shallow stream leading from Tar River into Barber Lake, a swim beach near the mouth of the stream where it enters the river and that presents a hazard to swimmers, and multiple water-based recreation activities on Barber Lake including boating, fishing, camping, and a park swim area.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments to 15A NCAC 10F .0354, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the no-wake zone at Barber Lake and the vicinity of Wildwood Park.

ATTACHMENT A

15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule shall apply to the waters described in this Paragraph:

- (1) the waters of Tar River, known as Hardee Creek, shore to shore, west of a line at its confluence with the main course of Tar River from a point on the north shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W; ~~and~~
- (2) the portion of Tranters Creek 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~~. 77.09029 W; and
- (3) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W.

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

~~(c) Placement of Markers. The Board of Commissioners of Pitt County shall be the designated agency for placement and maintenance of markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.~~

(c) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Pitt County for those waters listed in Subparagraphs (a)(1) and (a)(2); and
- (2) the City of Greenville for the waters listed in Subparagraph (a)(3).

History Note: Authority G.S. 75A-3; 75A-15;

Eff. May 1, 1988;

Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. June 1, 2022; October 1, 2018.

RESOLUTION NO. 032-21

RESOLUTION REQUESTING RULEMAKING FOR A NO WAKE ZONE LOCATED IN
THE CITY OF GREENVILLE AT WILDWOOD PARK

WHEREAS, under authority of North Carolina General Statutes § 75A-15, any subdivision of the State of North Carolina may, but only after public notice, make formal application to the North Carolina Wildlife Resources Commission for rules with reference to the safe and reasonable operation of vessels on waters within its territorial limits; and

WHEREAS, high speeds from motorboats would cause safety hazards to recreational users on the lake at Wildwood Park; and

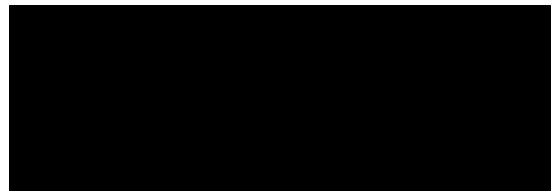
WHEREAS, shallow waters are present in the lake at Wildwood Park and would pose safety hazards to high speed motorboats; and

WHEREAS, North Carolina Wildlife Resources Commission may enforce the no wake zone once installed; and

WHEREAS, the City of Greenville has given public notice of intention to apply for rulemaking on waters within the City's territorial jurisdiction by advertising in The Daily Reflector on Saturday, November 6, 2021, and on the City of Greenville's website; and

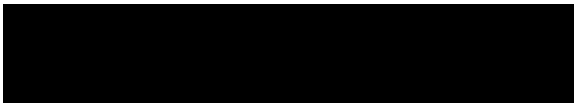
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby request the North Carolina Wildlife Resources Commission to consider enacting a No Wake Zone in Wildwood Park through processes guided by North Carolina General Statutes § 75A-15 and/or other applicable laws.

This the 8th day of November, 2021



P.J. Connelly, Mayor

ATTEST:



Valerie Shiuwegar, City Clerk U

Haywood, Betsy

From: Mark Nottingham <[REDACTED]>
Sent: Monday, November 15, 2021 11:01 AM
To: SVC_WRC.NoWakeZoneCoordinator
Subject: RE: [External] City of Greenville in Pitt County No wake zone questions

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

The City of Greenville plans to purchase the buoys and anchors from WRC. We anticipate needing 3 buoys. We could use assistance with placing them but can probably handle that ourselves if that is not an option.

Thanks,
Mark

Mark Nottingham, AICP
Parks Planner
City of Greenville Recreation & Parks

[REDACTED]



*Find yourself in good company**

** Please note that any and all correspondence to and from this email address is subject to North Carolina Public Records Law and may be disclosed to third parties.*

From: SVC_WRC.NoWakeZoneCoordinator <nowakezonecoordinator@ncwildlife.org>
Sent: Monday, November 15, 2021 10:56 AM
To: Mark Nottingham [REDACTED]
Subject: [External] City of Greenville in Pitt County No wake zone questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, were expecting this message or otherwise know the content is safe.

Dear Mr. Nottingham,

Thank you for sending me this information. Can you please reply with a statement as to which unit of government (will it be Pitt County or the City of Greenville) plans to purchase and place the buoy or buoys that would be needed if this Rule passes? Do you anticipate needing one or more than one? I am required to prepare a Fiscal Note for review by the Office of State Budget and Management for the cost of any markers placed as the result of rulemaking.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: City of Greenville
- Primary contact information: Mark Nottingham [REDACTED]
- Location of requested no-wake zone:
 - Body of water and County: Barber Lake, Pitt County
 - Location: [REDACTED]
 - Popular name of area, if any: Wildwood Park
 - Width of No-Wake Zone: Narrowest Point: 15' Widest Point: 802'
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
Shallow oblong run off of Tar River.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

Barber Lake is shallow. There are many recreational users on this lake at the dock, beach area, and camp area at Wildwood Park who would be endangered by motorized vessels traveling at high speeds. The City requests that the entire lake and its stream connection to the Tar River be designated as a no-wake zone. Three buoys will be needed and the City will purchase and place them.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☒ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☒

☐ PUBLIC BOAT ACCESS

Name of Access Area: _____

☒ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: Wildwood Park

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☒ OTHER (list and describe)

Kayak launch (listed as recreational area).

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☒ NARROW CHANNEL (give approximate width) 15' when entering

☒ SHALLOW WATER (give average depth) 2.5'-5'



NO-WAKE ZONE INVESTIGATION MATRIX

☒ OBSTRUCTED VISION (for approximately how great a distance) 50 yards

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☐ BRIDGE Roadway: _____

Height above water: _____

Width between piers: _____

☐ TRESTLE Height above water: _____

Width between piers: _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? ☐ YES ☒ NO

☒ SANDBAR Sandbar while entering _____

☐ SHOAL _____

☒ OTHER (list and describe)

Sandbars while entering, Shoals on bottom of waterway dependent upon water level.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☐ CITATIONS ISSUED Violations: _____

☐ VERIFIED COMPLAINTS List: _____

-
- Rate traffic density in this area LIGHT ☒
 - Is traffic density specific to weekend/and or holidays? YES ☐ NO ☒
 - Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☒ NO ☐

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
None.
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☐ YES Identify Violations: _____
☒ NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?

☐ YES

Distance extended into channel: _____

☒ NO

- Total distance travelled at no-wake speed (in feet): 2526'

- Estimated travel time through propose area at no-wake speed: 5 minutes 30 seconds

- Width of proposed no-wake zone (in feet): Narrowest: 15' Widest: 802

- Does proposed no-wake zone meet criteria for consideration?

☒ YES: Appropriately sized

☐ YES: Adjusted size recommended

☐ NO

- Description/Explanation of adjusted size

- ☐ Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☒

NO: ☐

- Justification:

Due to the varying water levels, as well as the public kayak launch and amount of kayakers on the Tar River throughout the week, it would pose a risk to the public if an individual was to operate at greater than no wake speed in the no wake zone, particularly entering and exiting. While it is possible to just make just a portion of the area listed a no wake zone, it would require 2x no wake zones rather than 1-

(1) The initial entrance into the body of water- it is a very narrow channel in which the public commonly beaches their vessels (just outside of the proposed no wake zone) with a disadvantageous line of sight.

(2) The area surrounding the kayak launch.

As to ensure the maximum amount of public safety, especially with same being a nearly isolated body of water surrounded by a city park, I find justification for the area to be a no wake zone.

Furthermore, when entering the no wake zone through the main portion of the Tar River, there is a beach as well as land masses which greatly reduce vision for quite some way.

Officer: Officer R. Biggerstaff 80

Date: 11/24/2021

Sergeant: Lt. Kyle van Althuis

Date: 11/24/2021

15A NCAC 10F. 0354 - Proposed No Wake Zone
Barber Creek, City of Greenville, Pitt County



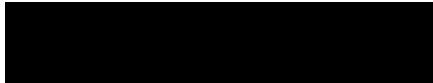
EXHIBIT K-2

December 9, 2021



Fiscal Note Review for Proposed No-Wake Zone Rule 15A NCAC 10F .0354 – Pitt County

Contact: Ashley Pekrul



Betsy Haywood
Water Safety Rules Coordinator



Impact: State Government: Yes
Local Government: Yes
Private Impact: Minimal
Substantial Impact: No

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

The proposed rule, 15A NCAC 10F .0354 - Pitt County (APPENDIX 1) will create a no-wake zone on Barber Lake at Wildwood Park in Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W.

The City of Greenville applied for rulemaking to mitigate hazards to boater safety. Barber Lake is used for multiple water-based recreation activities including boating, fishing, camping, and a swim beach. The stream that leads to the lake from Tar River is narrow and shallow. The swim beach is near the mouth of the stream where it enters the river and presents a hazard to swimmers.

The City of Greenville will mark the no-wake zone at an estimated cost of \$1016.00. Three no-wake buoys will cost \$900.00 (\$300.00 per buoy). Two technicians will spend two hours each (4 hours x \$29.00/hr¹ = \$116.00).

EXHIBIT K-2

December 9, 2021

State and Local Impact Analysis: The City of Greenville will purchase and place the markers at a cost of \$1016.00 for materials and labor. WRC is responsible for maintenance of the no-wake markers for Barber Lake in Greenville in Pitt County. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 and only if a marker is destroyed and must be replaced.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters of Barber Creek in Wildwood Park.

Substantial Economic Impact: There will be no substantial economic impact to the public.

¹ Calculated using average salary and benefits of current technicians.

EXHIBIT K-2

December 9, 2021

APPENDIX 1

15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule shall apply to the waters described in this Paragraph:

- (1) the waters of Tar River, known as Hardee Creek, shore to shore, west of a line at its confluence with the main course of Tar River from a point on the north shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W; ~~and~~
- (2) the portion of Tranters Creek 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~~, 77.09029 W; and
- (3) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W.

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

~~(c) Placement of Markers. The Board of Commissioners of Pitt County shall be the designated agency for placement and maintenance of markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.~~

(c) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) The Board of Commissioners of Pitt County for those waters listed in Subparagraphs (a)(1) and (a)(2); and
- (2) The City of Greenville for the waters listed in Subparagraph (a)(3).

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. May 1, 1988;
Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; October 1, 2018.*

EXHIBIT L-1

December 9, 2021



PROPOSED NOTICE OF TEXT FOR RULE FOR ROANOKE RAPIDS LAKE IN ROANOKE RAPIDS, HALIFAX COUNTY 15A NCAC 10F .0378 – HALIFAX COUNTY

Halifax County submitted an official application and Resolution, requesting a Rule for a no-wake zone 50 yards north and south of an abandoned railroad trestle where Deep Creek meets Roanoke Rapids Lake in Roanoke Rapids.

The Enforcement Division submitted an assessment matrix of the area (**Attachment A and Map**) and documented navigational hazards in the area, including a low standing trestle with restricted visibility and narrow channel. Entering Deep Creek from the main body of the lake forces vessels to follow a sharp angle due to the natural curvature of the creek channel. The vessel operator's ability to see between trestle pillars is obstructed and prohibits safe travel.

The Wildlife Resources Commission will be responsible for placement and maintenance of markers on Roanoke Rapids Lake. A Fiscal Note (**Exhibit L-2**) was submitted for review by the Office of State Budget and Management because of costs incurred by a state agency for purposes of rulemaking.

Staff has incorporated into this proposed new Rule for Halifax County an itemized listing with addresses of several Boating Access Areas owned or maintained by the WRC and located on Roanoke Rapids Lake, the Roanoke River, and a portion of Lake Gaston in Halifax County.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of the Rule for 15A NCAC 10F .0378 Halifax County, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the Rule for Halifax County.

1 **15A NCAC 10F .0378 HALIFAX COUNTY**

2 (a) Regulated Areas. This Rule shall apply to the following waters in Halifax County:

3 (1) Roanoke Rapids Lake.

4 (A) within 50 yards north and south of the abandoned railroad trestle at the location where
5 Deep Creek meets Roanoke Raids Lake in Roanoke Rapids, northwest of Windsong
6 Drive;

7 (B) within 50 yards of the Thelma Boating Access Area, 1011 Van Warren Road, Roanoke
8 Rapids; and

9 (C) within 50 yards of the Fifth Street Landing Boating Access Area, 1919 W. Fifth Street,
10 Roanoke Rapids.

11 (2) Roanoke River.

12 (A) Within 50 yards of the Weldon Boating Access Area, 1090 Rockfish Lane,
13 Weldon; and

14 (B) within 50 yards of the Edwards Ferry Boating Access Area, 89 U.S. Highway 258,
15 Scotland Neck.

16 (3) Lake Gaston within 50 yards of Summit Boating Access Area at 432 Bluebird Lane, Littleton.

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

19 (c) Placement of Markers. The North Carolina Wildlife Resources Commission shall be the designated agency for
20 placement and maintenance of the markers implementing this Rule, subject to the approval of the United States
21 Coast Guard and United States Army Corps of Engineers.

22
23 History Note: Authority G.S. 75A-3; 75A-15;

24 Eff. June 1, 2022.

A RESOLUTION TO MAKE APPLICATION
TO THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
FOR A NO WAKE ZONE ON DEEP CREEK, ROANOKE RAPIDS LAKE

WHEREAS, the Halifax County Board of Commissioners gave public notice of its intention to consider the need for special rules and regulations for the waters located on a certain portion of Deep Creek at Roanoke Rapids Lake, in Halifax County, North Carolina, to wit: a no wake zone; and


WHEREAS, said public notice was published in the manner required by law in the Roanoke Rapids Daily Herald; and

WHEREAS, the Board of Commissioners finds that a no wake zone in the area defined would be in the best interest of public safety;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT THE HALIFAX COUNTY BOARD OF COMMISSIONERS:

1. Requests special rules and regulations for certain waters of Deep Creek at Roanoke Rapids Lake, to wit: a no wake zone;
2. Requests full implementation of the U.S. Aids to Navigation System in all waters within Halifax County, if such full implementation has not been done;
3. Finds that the Edgewater Cove Property Owners Association will be responsible for the purchase and placement of buoys to mark the zone after codification.
3. Authorizes the County Manager and other appropriate county staff to complete and submit such applications and documentation as may be needed to pursue this request.

Adopted this 12th day of July.


Vernon J. Bryant, Chair
Halifax County Board of Commissioners



Andrea H. Wiggins, MMC

EXHIBIT C



NO-WAKE ZONE INVESTIGATION MATRIX

ATTACHMENT A

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Halifax County
- Primary contact information: *Glynn Rollins, Jr. Halifax County Attorney* [REDACTED]
[REDACTED]
- Location of requested no-wake zone:
 - Body of water and County: *Deep Creek at Roanoke Rapids Lake, Roanoke Rapids in Halifax County*
 - Location: *Deep Creek where it enters Roanoke Rapids Lake near Windsong Drive*
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: _____ Widest Point: _____
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.) *Where Deep Creek meets Roanoke Rapids Lake near Windsong Drive there is an abandoned railroad trestle. The supports of the trestle create a hazard across that narrow channel between the creek and the lake. There are danger buoys north of the railroad trestle.*

Attach map of designated no-wake zone



NO-WAKE ZONE INVESTIGATION MATRIX

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Provide detailed reason given from point of contact for the request

There is a narrow opening between two points of land, where Deep Creek meets with Roanoke Rapids Lake on the south side of the lake. An abandoned trestle creates hazards to boater safety in that narrow area. The County requests assessment to see if there is statutory authority to mitigate hazards around the trestle with a no-wake zone on either side of the trestle.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☐ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☐

☐ PUBLIC BOAT ACCESS

Name of Access Area: _____

☐ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☒ OTHER (list and describe) _____ Abandon railroad trestle that limits a person's ability to see oncoming boat traffic from Deep Creek into the main portion of the lake.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☒ NARROW CHANNEL (give approximate width)

65' _____

☐ SHALLOW WATER (give average depth) _____

☒ OBSTRUCTED VISION (for approximately how great a distance) _____ 25
yards _____

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☐ BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

☒ TRESTLE Height above water: _____
10' _____
Width between piers: _____
65' _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

▪ Would placement of "Danger" buoys or other informational markers
mitigate the hazards in lieu of a no-wake zone? ☐ YES ☐ NO

☐ SANDBAR _____



NO-WAKE ZONE INVESTIGATION MATRIX

☐ SHOAL _____

☐ OTHER (list and describe)

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☐ CITATIONS ISSUED Violations: _____

☐ VERIFIED COMPLAINTS List: _____

=====

- Rate traffic density in this area **LIGHT**
- Is traffic density specific to weekend/and or holidays? YES ☒ NO ☐
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☒ NO ☐

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:

NA _____



NO-WAKE ZONE INVESTIGATION MATRIX

- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☐ YES

☒ NO

Identify Violations: _____

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?

☐ YES

Distance extended into channel: _____

☒ NO

- Total distance travelled at no-wake speed (in feet):

300'

- Estimated travel time through proposed area at no-wake speed: 1-2
minutes

- Width of proposed no-wake zone (in feet): Narrowest: 65' Widest:
150'

- Does proposed no-wake zone meet criteria for consideration?



NO-WAKE ZONE INVESTIGATION MATRIX

- ☒ YES: Appropriately sized
- ☐ YES: Adjusted size recommended
- ☐ NO

- Description/Explanation of adjusted size

- ☐ Adjusted map attached

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☒

NO: ☐

- Justification: There is an abandoned railroad trestle at the mouth of Deep Creek on Roanoke Rapids Lake. Several navigational hazards were observed and documented during the investigation including the low-standing structure (trestle), restricted visibility and narrow channel. When entering Deep Creek from the main body of Roanoke Rapids Lake, vessels are forced to follow a sharp angle due to the natural curvature of the creek channel. Following the creek channel in this manner obstructs a vessel operator's ability to see between the trestle pillars and prohibits safe travel. Should vessels enter the trestles simultaneously, there is a high risk that a boating incident could occur. While traffic density is typically light, during high activity times, the increase in traffic and ability to maneuver could cause safety issues. Based on these findings we would recommend a no wake zone for this portion of Deep Creek.



NO-WAKE ZONE INVESTIGATION MATRIX

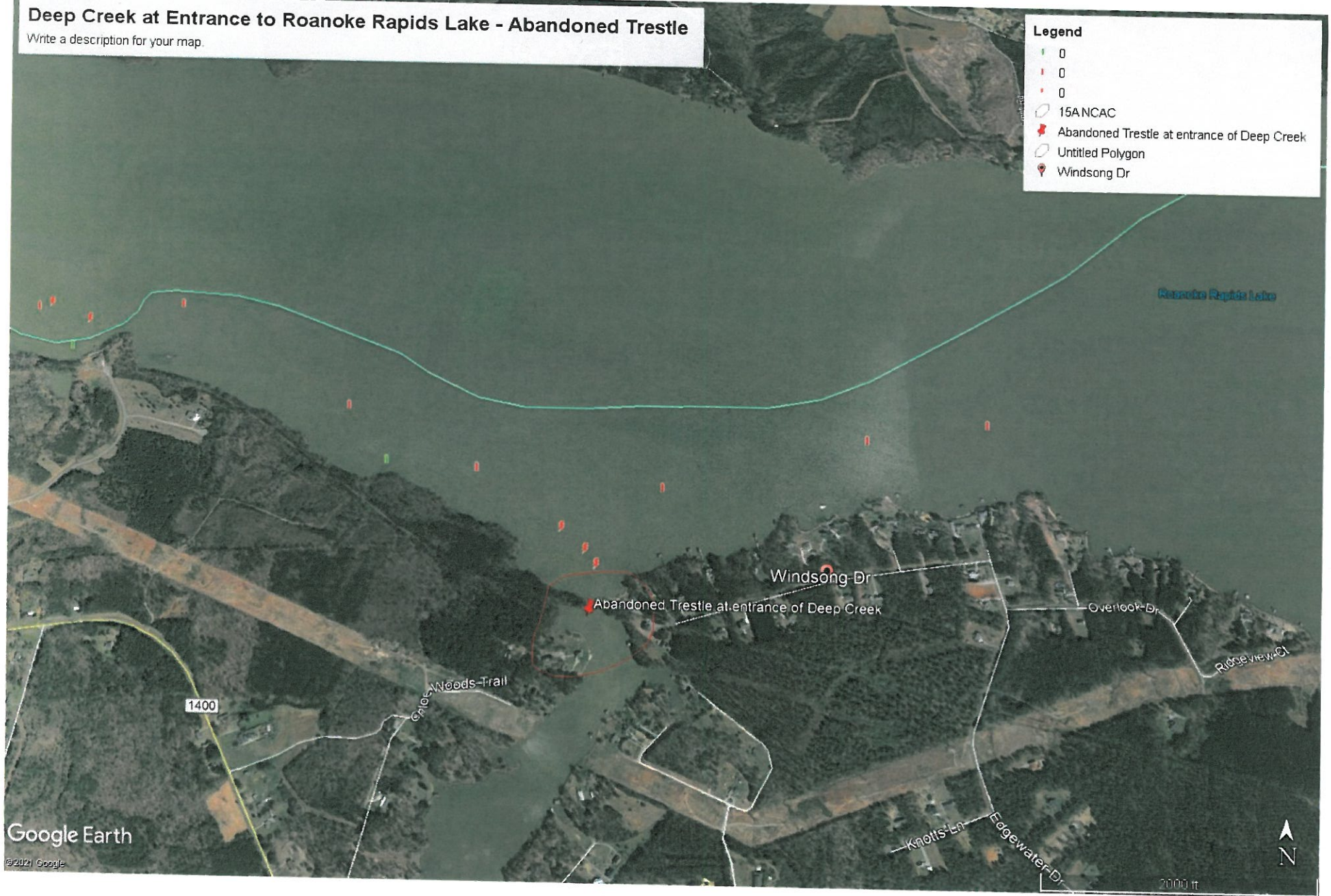
- Officer: Charles R. Vaughan Jr. 904 Date: 4/15/2021
- Sergeant: Sgt Dustin Durham 241 Date: 4/20/2021

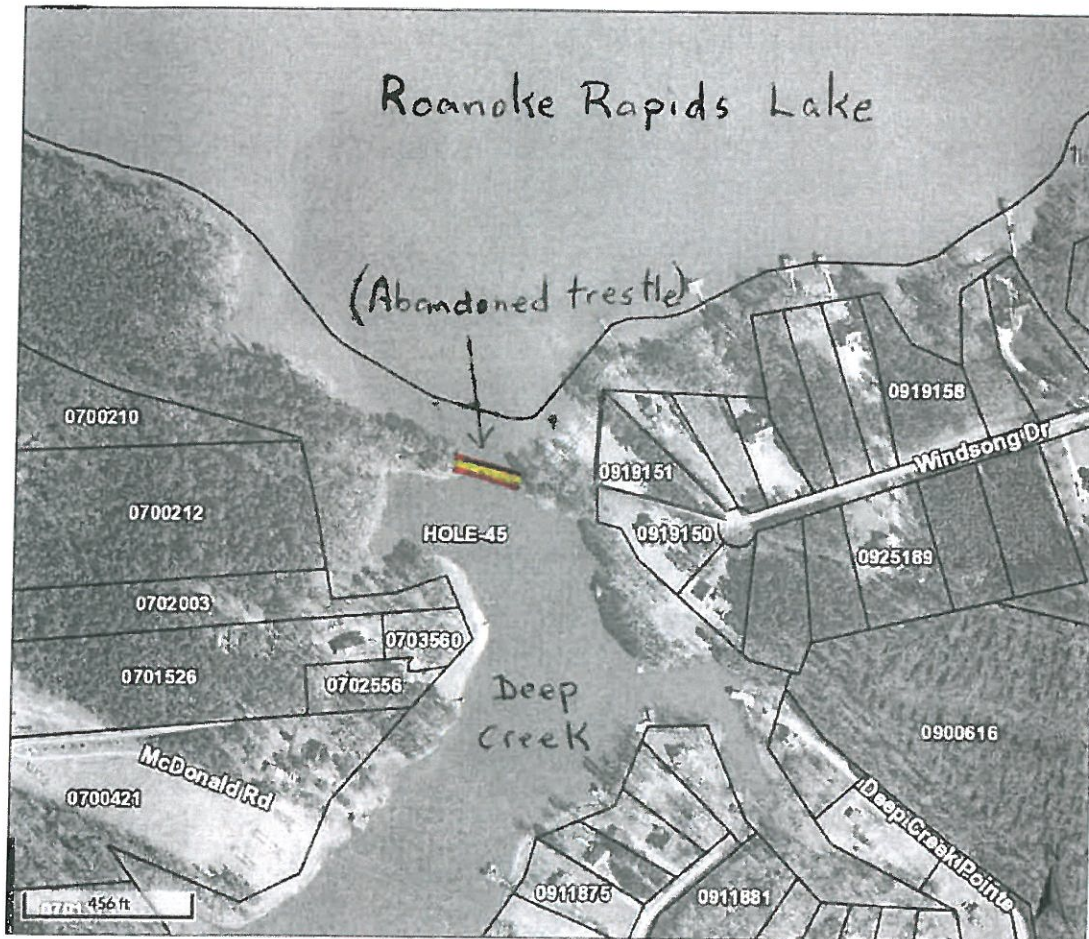
Deep Creek at Entrance to Roanoke Rapids Lake - Abandoned Trestle

Write a description for your map.

Legend

- 0
- 0
- 0
- 15A NCAC
- Abandoned Trestle at entrance of Deep Creek
- Untitled Polygon
- Windsong Dr





Overview



Legend

- ☐ Parcels
- ☐ Roads
- City Limits**
 - Enfield
 - Halifax
 - Hobgood
 - Littleton
 - Roanoke Rapids
 - Scotland Neck
 - Weldon

Parcel ID	0919151	Class	R	Owner	EW PROPERTY OWNERS	Last 2 Sales			
Alternate ID	3969-19-73-6663	Acreage	1.16	Address	ASSOCIATION INC PO BOX 1447 ROANOKE RAPIDS, NC 27870	Date	Price	Qual	Reason
Property Address	518 WINDSONG DR	Assessed Value	\$164,200			9/13/2010	0	Q	n/a
Deed	2324 / 696					n/a	0	n/a	n/a
Book/Page									
Brief	LOT 61/EDGEWATER COVE S/D PHASE 3								
Tax Description	(Note: Not to be used on legal documents)								

Please note that parcel data is for the 2021 tax year. In other words, the records reflect tax listing and recorded documents for the period between January 1 and December 31, 2020. Users of this website should understand that changes to official tax records may not be reflected on this website. This website is not a connection to the Halifax County Tax Office's "live" database and is updated each business day. Numerous changes occur to the assessment database each day and will not be reflected online until the next update. Please call (252) 583-2121 for more information.

Date created: 2/8/2021

Last Data Uploaded: 2/5/2021 5:59:40 PM

Developed by Schneider
GEOSPATIAL



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0378 – Halifax County**

Contact: Ashley Pekrul
Regulatory Analyst

Betsy Haywood,
Water Safety Rules

Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Impact: No

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

The proposed rule, 15A NCAC 10F .0378 - Halifax County (APPENDIX 1) will create a no-wake zone 50 yards north and south of the abandoned railroad trestle at the location where Deep Creek meets Roanoke Rapids Lake, northwest of Windsong Drive in Roanoke Rapids.

Halifax County applied for rulemaking to mitigate hazards to boater safety. The location of the abandoned trestle is in a narrow channel between the creek and the lake. Trestle supports in the water create a hazard to boaters. There are danger buoys in the water north of the railroad trestle.

State Impact Analysis: The WRC is responsible for purchase, placement, and maintenance of the markers for the Halifax County no-wake zone. In addition to the \$716 total cost of technician time (4 hours x \$29¹/hr = \$116) and purchase and installation of buoys (\$300/buoy x 2 = \$600), it is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 (assuming the chain and anchor are not needed) and only if a marker is destroyed and must be replaced.

Local Impact Analysis: No local impact anticipated.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters in the portion of Roanoke Rapids Lake where Deep Creek enters the lake at the abandoned railroad trestle bridge.

Substantial Economic Impact: There will be no substantial economic impact to the public.

¹ Calculated using average salary and benefits of current technicians.

EXHIBIT L-2
December 9, 2021
APPENDIX 1

15A NCAC 10F .0378 HALIFAX COUNTY

(a) Regulated Area. This Rule shall apply to the waters of Roanoke Rapids Lake, within 50 yards north and south of the abandoned railroad trestle at the location where Deep Creek meets Roanoke Rapids Lake in Roanoke Rapids, northwest of Windsong Drive.

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

(c) Placement and Maintenance of Markers. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15

EXHIBIT M

December 9, 2021



PROPOSED NOTICE OF TEXT FOR AMENDMENTS TO TO 15A NCAC 10F .0327 – MONTGOMERY COUNTY

As part of the agency continuing review of existing Rules to determine whether any part of a Rule is necessary, meets statutory authority, and is clear and unambiguous, the Enforcement Division has been tasked with also documenting unlawfully placed regulatory markers in areas that are not legal no-wake zones and having them removed. Two areas were located on Badin Lake in Montgomery County where buoys were illegally placed or placed in an area that does not meet the criteria for regulating state waters to mitigate sufficient safety hazards. Law enforcement created an Assessment Matrix (**Attachment A with map**) at a large cove west of Lakeshore Drive and east of Strand Drive on Badin Lake under 15A NCAC 10F .0327(a)(1)(A). While the amendment regulating this cove was adopted by the WRC in 2002, staff finds that this is a large cove with no visual obstructions, navigational hazards, community or public boat ramps, marinas, fuel docks or facilities, submerged structures, public swim areas, or public fishing piers that warrant regulation of vessel speed. It has not been enforceable because when the Rule was codified incorrect coordinates were provided and it is not clear where it was intended to be marked. Staff recommends removal of this amendment as being unnecessary and unenforceable.

Proposed technical amendments to the Rule itemize and describe all boating access area that are owned or maintained by the WRC on Badin Lake, Lake Tillery, and Tuckertown Reservoir in Montgomery County. The vague and incorrect language in 15A NCAC 10F .0327(b) – Speed Limit Near Shore Facilities will be removed. Consideration of no-wake zones within 50 yards of any shore facilities formerly listed in that paragraph will be considered for rulemaking on a case by case basis, by application from the County per the WRC statutory authority to adopt Rules for water safety.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments to 15A NCAC 10F .0327 to remove 15A NCAC 10F .0327(a)(1)(A), and to incorporate technical amendments to list all Boating Access Areas, and to simplify and clarify language, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the Rule amendments for Montgomery County.

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)(A) 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)(B) 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;
- (D)(C) 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; ~~and~~
- (E)(D) within 50 yards of the fueling station at the Old North State Marina at the entrance to a cove within the Uwharrie Point community. community;
- (E) within 50 yards of the Circle Drive Boating Access Area, at 724 Shoreline Drive in New London;
- (F) within 50 yards of Lakemont Boating Access Area, at 241 Lakemont Road in New London;
and
- (G) within 50 yards of the Cove Boat Ramp at 400 Cove Road in New London.

(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; ~~and~~
- (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.~~
80.06437 W; and
- (D) within 50 yards of Swift Island Boating Access Area at 4917 NC Highway 24/27 in Mount Gilead.

- (3) Tuckertown Reservoir. Pee Dee River, within 50 yards of the Clarks Creek Boating Access Area at 177 Tillery Dam Road in Mount Gilead.

~~(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~~

~~(e) (b) 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)(c) Badin Lake Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the marked swimming area on Badin Lake at the Pinehaven Village beach area at 370 Pinehaven Drive in New London, within 50 feet of the shoreline between points at 35.49927 N, 80.11428 W; and 35.49934 N, 80.11437 W.~~

~~(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), (D), (E), (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. The Board of Commissioners of Montgomery County shall be the designated agency for placement and maintenance of the ropes and markers implementing Paragraph (d) of this Rule.~~

~~(e) Placement of Markers. The following agencies shall be responsible for placement or placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers:~~

- ~~(1) The Board of Commissioners of Montgomery County for placement of the markers implementing Subparagraphs (a)(1)(A), (B), (C), (D), and (a)(2)(A), and (B) of this Rule;~~
- ~~(2) The North Carolina Wildlife Resources Commission placement and maintenance of the markers implementing Subparagraphs (a)(1)(E), (F), (a)(2)(C), (D), and (a)(4) of this Rule;~~
- ~~(3) The Board of Commissioners of Montgomery County shall be the designated agency for placement and maintenance of the ropes and markers implementing Paragraph (c) of this Rule; and~~
- ~~(4) The U.S. Forest Service for placement and maintenance of the markers implementing Subparagraph (a)(1)(G) of this Rule.~~

History Note: Authority G.S. 75A-3; 75A-15;

Eff. November 1, 1977;

Amended Eff. December 1, 1990; May 1, 1989; March 25, 1978;

Temporary Amendment Eff. June 1, 1998;

Amended Eff. April 1, 1999; July 1, 1998;

Temporary Amendment Eff. July 1, 2002;

Amended Eff. August 1, 2006; June 1, 2005; April 1, 2003;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. October 1, 2018; April 1, 2017;
Emergency Amendment Eff. July 30, 2019;
Temporary Amendment Eff. October 1, 2019;
Amended Eff. May 1, 2020;
Temporary Amendment Eff. June 1, 2020;
Temporary Amendment Expired March 12, 2021;
Amended Eff. June 1, 2022; October 1, 2021.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: NC Wildlife Resources Commission
- Primary contact information: Captain Jeremy Harrill/Sergeant Darby Enoch
- Location of requested no-wake zone:
 - Body of water and County: Badin Lake Montgomery County
 - Location: Cove between Lakeshore Drive and Strand Road
 - Popular name of area, if any: N/A
 - Width of No-Wake Zone: Narrowest Point: 234' Widest Point: 429'
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)

A cove between points East of Strand Drive at (35.4899,-80.0928) and West of a point Lakeshore Drive at (35.4911,-80.0910). This cove is located on the Northeast shoreline of Badin Lake.

Attach map of designated no-wake zone

*Google Earth Image Attached

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

On June 25th, 2021, Officers David Ritzheimer and Justin St. Onge with the North Carolina Wildlife Resources Commission were patrolling Badin Lake and documenting unlawfully placed markers, buoys, and navigational aids. While on patrol, the two officers noticed two questionable no-wake zone buoys at the mouth of two separate small coves on the northeastern shoreline of Badin Lake. One of the buoys was located in the mouth of a cove between a point East of Strand Drive at (35.4899, -80.0928) and a point West of Lakeshore Drive at (35.4911, -80.0910). The other buoy was located North of a point at Lakeshore Drive at (35.4921, -80.0912) and South of a point at Lakeshore Drive at (35.4933, -80.0935).

After becoming aware of these two no wake zone buoys in the back of this cove, my Sergeant and I looked up the current NCAC for No Wake Zones in Montgomery County. Together we found that the current NCAC had an approved no-wake zone located "in 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." The wording of this particular no wake zone did not make any sense once you plotted the coordinates. At this time, Sergeant Enoch contacted Betsy Haywood, in which they discussed that due to the wording in the current NCAC, the current no-wake zone in this location on Badin Lake is incorrect and unenforceable. Therefore, an updated no-wake zone matrix would need to be completed.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☐ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☐

☐ PUBLIC BOAT ACCESS

Name of Access Area: _____

☐ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☐ OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☐ NARROW CHANNEL (give approximate width) _____

☐ SHALLOW WATER (give average depth) _____



NO-WAKE ZONE INVESTIGATION MATRIX

☐ OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☐ BRIDGE Roadway: _____

Height above water: _____

Width between piers: _____

☐ TRESTLE Height above water: _____

Width between piers: _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? ☐ YES ☐ NO

☐ SANDBAR _____

☐ SHOAL _____

☐ OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☐ CITATIONS ISSUED Violations: _____

☐ VERIFIED COMPLAINTS List: _____

-
-
- Rate traffic density in this area LIGHT
 - Is traffic density specific to weekend/and or holidays? YES ☒ NO ☐
 - Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☐ NO ☒

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
75A-10 Operating a vessel in reckless manner, 75A-13.3 Personal Watercraft Violations
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☒ YES
☐ NO

Identify Violations: 75A-10 Operating a vessel in reckless manner, 75A-13.3 Personal Watercraft Violations



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?
☐ YES Distance extended into channel: _____
☒ NO
- Total distance travelled at no-wake speed (in feet): 969'
- Estimated travel time through propose area at no-wake speed: 3 minutes and 40 seconds travelling at 2-3 mph
- Width of proposed no-wake zone (in feet): Narrowest: 234' Widest: 492'
- Does proposed no-wake zone meet criteria for consideration?
☐ YES: Appropriately sized
☐ YES: Adjusted size recommended
☒ NO
- Description/Explanation of adjusted size
- ☐ Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☐

NO: ☒

- Justification:

On July 11th, 2021, Officer Brandon Barbee and I assessed the cove in question between a point East of Strand Drive at (35.4899, -80.0928) and a point West of Lakeshore Drive at (35.4911, -80.0910). This cove measures 969-feet in total length, 234-feet across at its narrowest point and 492-feet at its widest point. It takes approximately 3 minutes and 40 seconds for someone to travel the length of the cove at no-wake speed (2-3 mph). In the specific area assessed, there are no visual obstructions, navigational hazards, community or public boat ramps, marinas, fueling docks or facilities, submerged structures, public swimming areas, or public fishing piers. This area is not too narrow or significantly shallow and is no different than many other coves on Badin Lake. The area in question does not meet current no wake zone criteria.

Officer: Justin M. St. Onge 863 Justin M. St. Onge 863

Sergeant: Darby D.W. Enoch 261 Darby D.W. Enoch 261

Date: 08-18-2021

Date: 08-18-2021



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

On June 25th, 2021, Officers David Ritzheimer and Justin St. Onge with the North Carolina Wildlife Resources Commission were patrolling Badin Lake and documenting unlawfully placed markers, buoys, and navigational aids. While on patrol, the two officers noticed two questionable no-wake zone buoys at the mouth of two separate small coves on the northeastern shoreline of Badin Lake. One of the buoys was located in the mouth of a cove between a point East of Strand Drive at (35.4899, -80.0928) and a point West of Lakeshore Drive at (35.4911, -80.0910). The other buoy was located North of a point at Lakeshore Drive at (35.4921, -80.0912) and South of a point at Lakeshore Drive at (35.4933, -80.0935).

After becoming aware of these two no wake zone buoys in the back of this cove, my Sergeant and I looked up the current NCAC for No Wake Zones in Montgomery County. Together we found that the current NCAC had an approved no-wake zone located “in 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.” The wording of this particular no wake zone did not make any sense once you plotted the coordinates. At this time, Sergeant Enoch contacted Betsy Haywood, in which they discussed that due to the wording in the current NCAC, the current no- wake zone in this location on Badin Lake is incorrect and unenforceable. Therefore, an updated no-wake zone matrix would need to be completed.

On July 11th, 2021, Officer Brandon Barbee and I assessed the cove in question between a point East of Strand Drive at (35.4899, -80.0928) and a point West of Lakeshore Drive at (35.4911, -80.0910). This cove measures 969-feet in total length, 234-feet across at its narrowest point and 492-feet at its widest point. It takes approximately 3 minutes and 40 seconds for someone to travel the length of the cove at no-wake speed (2-3 mph). In the specific area assessed, there are no visual obstructions, navigational hazards, community or public boat ramps, marinas, fueling docks or facilities, submerged structures, public swimming areas, or public fishing piers. This area is not too narrow or significantly shallow and is no different than many other coves on Badin Lake. The area in question does not meet current no wake zone criteria.

The additional no-wake zone buoy observed as part of this assessment, that has been placed in the cove North of a point at Lakeshore Drive at (35.4921, -80.0912) and South of a point at Lakeshore Drive at (35.4933, -80.0935) has been unlawfully placed and needs to be removed as well.

Justin St. Onge
NCWRC Wildlife Officer
Montgomery County
District 6

Justin St. Onge 863

View from the main channel into the cove between points East of Strand Drive at (35.4899, -80.0928) and West of a point Lakeshore Drive at (35.4911, -80.0910).

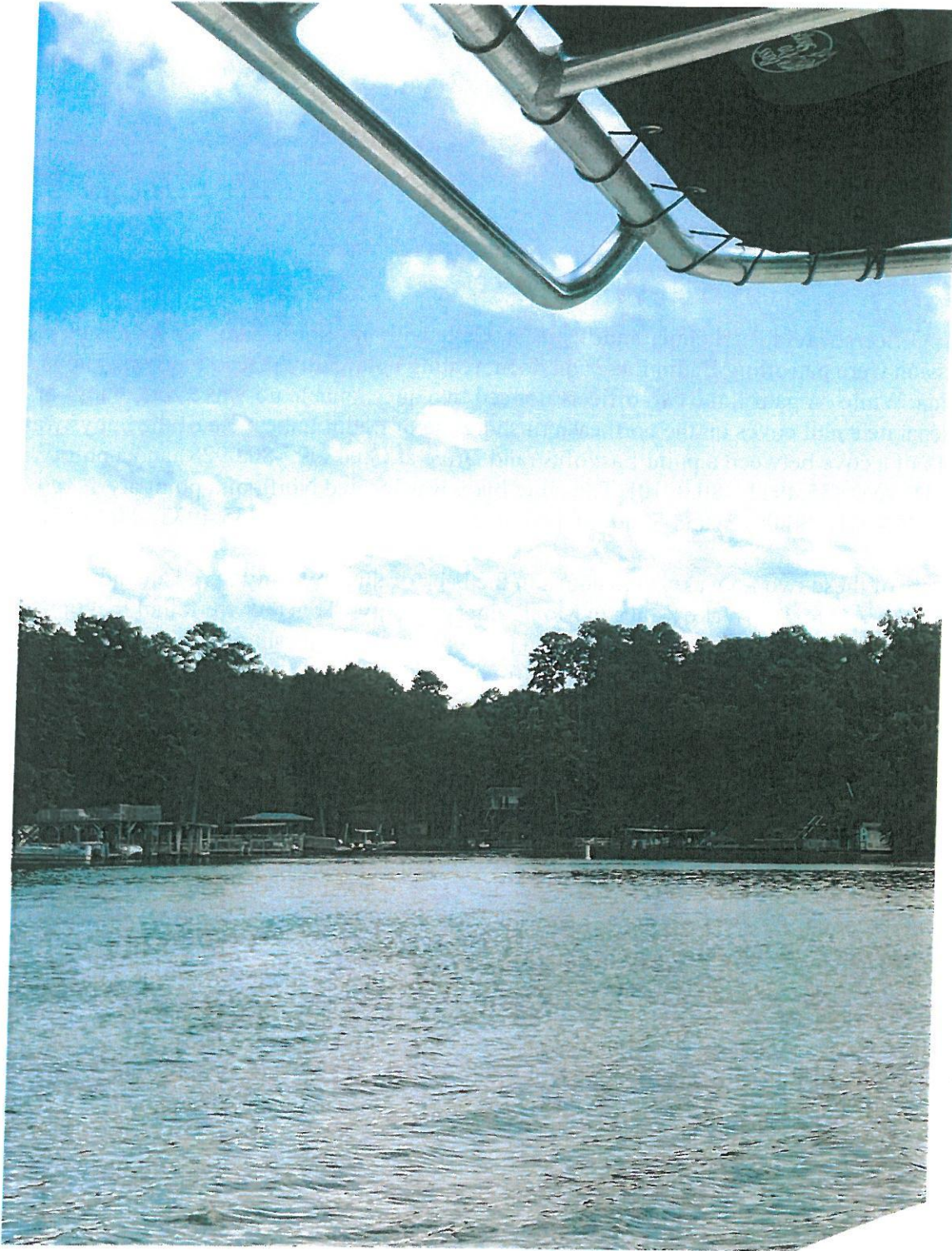




EXHIBIT N

December 9, 2021



APPLICATION FOR RULEMAKING FROM THE LAKE WYLIE MARINE COMMISSION FOR PROPOSED AMENDMENT TO 15A NCAC 10F .0333 – MECKLENBURG AND GASTON COUNTIES

The Wildlife Resources Commission received a formal application from the Lake Wylie Marine Commission, Neil Brennan, LWMC Executive Director, requesting consideration of rulemaking on a portion of Brown's Cove on Lake Wylie in Mecklenburg County where the channel narrows and makes a sharp bend to the northeast, near the back of the cove.

Under its statutory authority the Lake Wylie Marine Commission places and maintains no-wake buoys and no Fiscal Note is required.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A and Map**). Hazards to boater safety are noted, including the narrowing channel and sharp bend that limits the line of sight coming from the west or the east of the cove. Swimmers and kayakers use this part of the cove and cannot be seen in time by vessels traveling around the bend at high speed. Enforcement recommends a no-wake zone shore to shore for 500 feet at the 90-degree bend to mitigate hazards to boater and water recreationist safety.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of an amendment to 15A NCAC 10F .0333, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the amendment on Lake Wylie in this section of Brown's Cove.

15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston Counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, to a point 150 feet west of the Buster Boyd Bridge at 35.10242 N, 81.04089 W;
- (4) N.C. Highway 27 bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters from a point 50 feet southeast of the Withers Bridge on SR 1116, otherwise known as Shopton Road W. in Mecklenburg County at 35.14576 N, 81.00187 W, to a point 50 feet northwest of the bridge at 35.14599 N, 81.00222 W;
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;
- (9) Other bridges. The areas within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph; and
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of

the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, ~~81.03190 W.~~
81.03190 W; and

- (11) Brown's Cove. The waters of Brown's Cove beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W.

(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, dock, pier, marina, boat storage structure, or boat service area.

(c) Speed Limit Near Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked mooring area or marked swimming area.

(d) Placement and Maintenance of Markers. The Lake Wylie Marine Commission shall be the designated agency for placement and maintenance of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. July 1, 1980;

Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;

Temporary Amendment Eff. January 1, 1998;

Amended Eff. July 1, 1998;

Temporary Amendment Eff. February 4, 2000;

Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000;

Temporary Amendment Eff. May 1, 2015;

Amended Eff. October 1, 2015;

Readopted Eff. October 1, 2018;

Amended Eff. June 1, 2022; May 1, 2019.



North Carolina Wildlife Resources Commission
Application for Water Safety Rulemaking on Navigable Waters of the State of North Carolina

*Water safety rulemaking applications are considered at **August** and **December** NCWRC meetings.
Please submit information at least six (6) weeks in advance.*

1. Governmental Unit: Lake Wylie Marine Commission Date: November 17, 2021

Contact Name: Neil Brennan, LWMC Executive Director

Mailing Address:

Phone:

Email:

2. In accordance with G.S. 75A-15, the above-named subdivision of the State applies to the North Carolina Wildlife Resources Commission for water safety rulemaking in the following waters:

Name of Body of Water, County, Location: Lake Wylie Browns Cove in Mecklenburg County

Popular Name (if any): Brown's Cove

Describe Proposed Regulated Area – No-Wake Zone, Swim Area, Other:

Limited sight line around the point in a portion of Brown's Cove beginning at bend in cove north and east of 9500 Windy Gap Road.

3. Safety hazard prompting rulemaking request (No Wake Zones, marked swim areas, and mooring areas shall be approved to mitigate hazards to boater and recreational water safety):

The NC Wildlife Resources Commission is charged with promulgating water safety rules. By statute, No Wake Zones may be established in public trust waters **only** to mitigate hazards to boating safety. The statutory authority of the WRC **does not** allow creation of a no wake zone in some instances. Some of those instances include:

- Erosion
- Noise Abatement
- Property Damage
- Protection of Docks or Piers
- Future Development
- Wildlife Area Protection
- Wake issues for a particular type of vessel

Is the purpose of the requested NO WAKE ZONE for an area that falls into one of the instances listed above?

YES ☐ NO ☒

If YES, please know that the NCWRC by statute may not be able to approve the requested NWZ

Does the proposed NO WAKE ZONE have any of the following water safety hazards?

- Known navigational hazards
- Structures in the area such as dams, spillways, flood control structures, trestles, power lines, and fueling docks
- Narrow and shallow waters
- Areas of obstructed vision
- Designated recreational or swimming areas
- Congested areas with high traffic
- History of documented accidents
- Public boat access areas
- Areas due to other circumstances present a critical risk to public safety

Does the requested NO WAKE ZONE include any of the above?

YES ☒ NO ☐

If yes, please explain which one(s) in detail:

Limited sight line around the point, from where the water goes from being narrow to area that is wide but shallow. There is conflict in this area between kayaks and paddle boards and boats pulling skiers that come around the point at high speed with very little time to react to the dangers. People have been thrown from kayaks and paddle boards as well as PWCs with many angry confrontations according to neighbors.

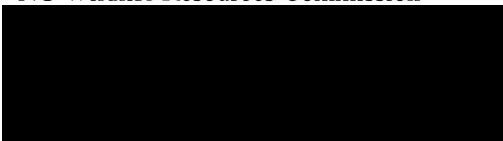
4. Include the following information with your application:

- a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- c. Affirmation that the local unit of government or a designee agrees to purchase and place markers that conform to U.S. Aids to Navigation (USATONS) standards to implement a Rule. The North Carolina Wildlife Resources Commission is required to submit a Fiscal Note to the Office of State Budget and Management to report the fiscal impact of a Rule on a state or local unit of government.

Regulatory markers that do not conform to USATONS standards and that are placed without authorization by the NC Wildlife Resources Commission shall be unlawful.

Mail or Email completed application and supporting documents to:

- **No Wake Zone Coordinator**
NC Wildlife Resources Commission



Signature

A black rectangular redaction box covering the signature of the applicant.

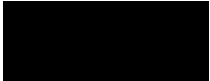
Date

November 17, 2021



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Lake Wylie Marine Commission
- Primary contact information: Neil Brennan, Executive Director LWMC 
- Location of requested no-wake zone:
 - Body of water and County: Lake Wylie Browns Cove, Mecklenburg Co
 - Location: beginning at bend in cove north and east of 9500 Windy Gap Road
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: _____ Widest Point: _____
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
limited sight line around the point in the portion of Browns Cove. LWMC would appreciate WRC assessment before they consider submitting an application for rulemaking in the NCAC.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

LWMC also enlisted assessment by Charlotte Mecklenburg PD Officer Stanley Joye, who suggested consideration by the WRC of no-wake zone there. Limited sight line around the point, from where the water goes from being narrow to area that is wide but shallow. There is conflict in this area between kayaks and paddle boards and boats pulling skiers that come around the point at high speed with very little time to react to the dangers. People have been thrown from kayaks and paddle boards as well as PWCs with many angry confrontations according to neighbors.

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES ☐

NO ☒

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

☐ FUELING DOCK OR FACILITY

Name of Facility: _____

☐ PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☐

NO-WAKE BUOYS ☐

☐ PUBLIC BOAT ACCESS

Name of Access Area: _____

☐ PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

☐ RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

☒ OTHER (list and describe)

CHANNEL THAT NECKS DOWN TO 130FT AND CREATES A BLIND SPOT GOING AROUND A BEND IN THE COVE.

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

☐ OBSTRUCTIONS (Identify) _____

Can obstructions be removed? ☐ YES ☐ NO

☐ NARROW CHANNEL (give approximate width) _____

☐ SHALLOW WATER (give average depth) _____



NO-WAKE ZONE INVESTIGATION MATRIX

☒ OBSTRUCTED VISION (for approximately how great a distance) 500FT

STRUCTURES: (Check all applicable)

☐ DAM Name: _____

☐ SPILLWAY Location: _____

☐ FLOOD CONTROL STRUCTURE Location: _____

☐ BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

☐ TRESTLE Height above water: _____
Width between piers: _____

☐ POWER LINE _____

☐ LOCK Lock Number: _____

☐ JETTY _____

☐ SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? ☐ YES ☐ NO

☐ SANDBAR _____

☐ SHOAL _____

☐ OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

☐ BOAT INCIDENTS Date(s): _____

☐ CITATIONS ISSUED Violations: _____

☒ VERIFIED COMPLAINTS List: CMPD has recieved complaints.

-
- Rate traffic density in this area LIGHT ☒
 - Is traffic density specific to weekend/and or holidays? YES ☒ NO ☐
 - Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES ☒ NO ☐

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

☐ YES Identify Violations: _____
☒ NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant's proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?

☐ YES

Distance extended into channel: _____

☒ NO

- Total distance travelled at no-wake speed (in feet): 1600FT
- Estimated travel time through propose area at no-wake speed: 2 MINUTES
- Width of proposed no-wake zone (in feet): Narrowest: 130FT Widest: 800FT
- Does proposed no-wake zone meet criteria for consideration?
 - ☐ YES: Appropriately sized
 - ☒ YES: Adjusted size recommended
 - ☐ NO
- Description/Explanation of adjusted size
PROPOSED NO WAKE ZONE SHOULD EXTEND ONLY AROUND THE POINT APPROXIMATELY 500FT AND NOT TO INCLUDE THE BACK OF BROWNS COVE.
- ☒ Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES: ☒

NO: ☐

- Justification:

The Lake Wylie Marine Commission has requested the review of a No Wake zone near Browns Cove of Lake Wylie. Browns cove is located near 9500 Windy Gap rd. Charlotte NC. The proposed area in Browns cove is a slightly narrow channel that makes a sharp bend near the back of the cove. This No Wake Zone has been proposed by the Lake Wylie Marine Commission because the area is a narrow bottleneck with diminished sight lines. The Lake Wylie Marine Commission says this is an area used by swimmers and kayakers. The Commission says that boats come through pulling tubers and skiers at a high rate of speed causing the narrow area and bend to be unsafe.

On 10/01/2021 I patrolled the area by boat to complete a boating safety assessment. Visually, there is a sharp bend in the channel if you are coming from the front or the back great enough to affect the line of sight. The narrowest area in the proposed no wake zone is 130' across. The widest point is approximately 800'. The proposed area is approximately 500' in length. A vessel traveling at no wake speed will take approximately two minutes to travel through the proposed No Wake Zone. There are currently no public swimming areas, fishing areas, or boating accesses within the cove. The cove is comprised of private docks. There are no restaurants, fueling docks, or any other public safety hazards in the area.

The biggest navigational hazard in the cove is how narrow the cove gets and the sharp 90-degree bend in the channel. This hazard poses a risk to boaters coming from either direction. The line of sight is limited making this area an unsafe place to operate a boat at a high speed. The dangers that are listed by the Lake Wylie Marine Commission were found to be true. This area has no recorded boat incidents reported nor is it a known spot for boating violations. My conclusion is that there is big enough safety issue to warrant a No Wake Zone. This conclusion comes after patrolling the area and completing a full review of the proposed No Wake Zone.

Officer: S.R.Parker Jr

Date: 10-15-21

Sergeant: W.W. Laton #496

Date: 10-18-21



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

ATTACHMENT A

The Lake Wylie Marine Commission has requested the review of a No Wake zone near Browns Cove of Lake Wylie. Browns cove is located near 9500 Windy Gap rd. Charlotte NC. The proposed area in Browns cove is a slightly narrow channel that makes a sharp bend near the back of the cove. This No Wake Zone has been proposed by the Lake Wylie Marine Commission because the area is a narrow bottleneck with diminished sight lines. The Lake Wylie Marine Commission says this is an area used by swimmers and kayakers. The Commission says that boats come through pulling tubers and skiers at a high rate of speed causing the narrow area and bend to be unsafe.

On 10/01/2021 I patrolled the area by boat to complete a boating safety assessment. Visually, there is a sharp bend in the channel if you are coming from the front or the back great enough to affect the line of sight. The narrowest area in the proposed no wake zone is 130' across. The widest point is approximately 800'. The proposed area is approximately 500' in length. A vessel travelling at no wake speed will take approximately two minutes to travel through the proposed No Wake Zone. There are currently no public swimming areas, fishing areas, or boating accesses within the cove. The cove is comprised of private docks. There are no restaurants, fueling docks, or any other public safety hazards in the area.

The biggest navigational hazard in the cove is how narrow the cove gets and the sharp 90-degree bend in the channel. This hazard poses a risk to boaters coming from either direction. The line of sight is limited making this area an unsafe place to operate a boat at a high speed. The dangers that are listed by the Lake Wylie Marine Commission were found to be true. This area has no recorded boat incidents reported nor is it a known spot for boating violations. My conclusion is that there is big enough safety issue to warrant a No Wake Zone. This conclusion comes after patrolling the area and completing a full review of the proposed No Wake Zone.

Master Officer S.R. Parker Jr NCWRC 683

Mailing Address: N.C. Wildlife Resources Commission •

View coming into the proposed no wake Zone.



View from the opposite side of the no wake zone coming out.



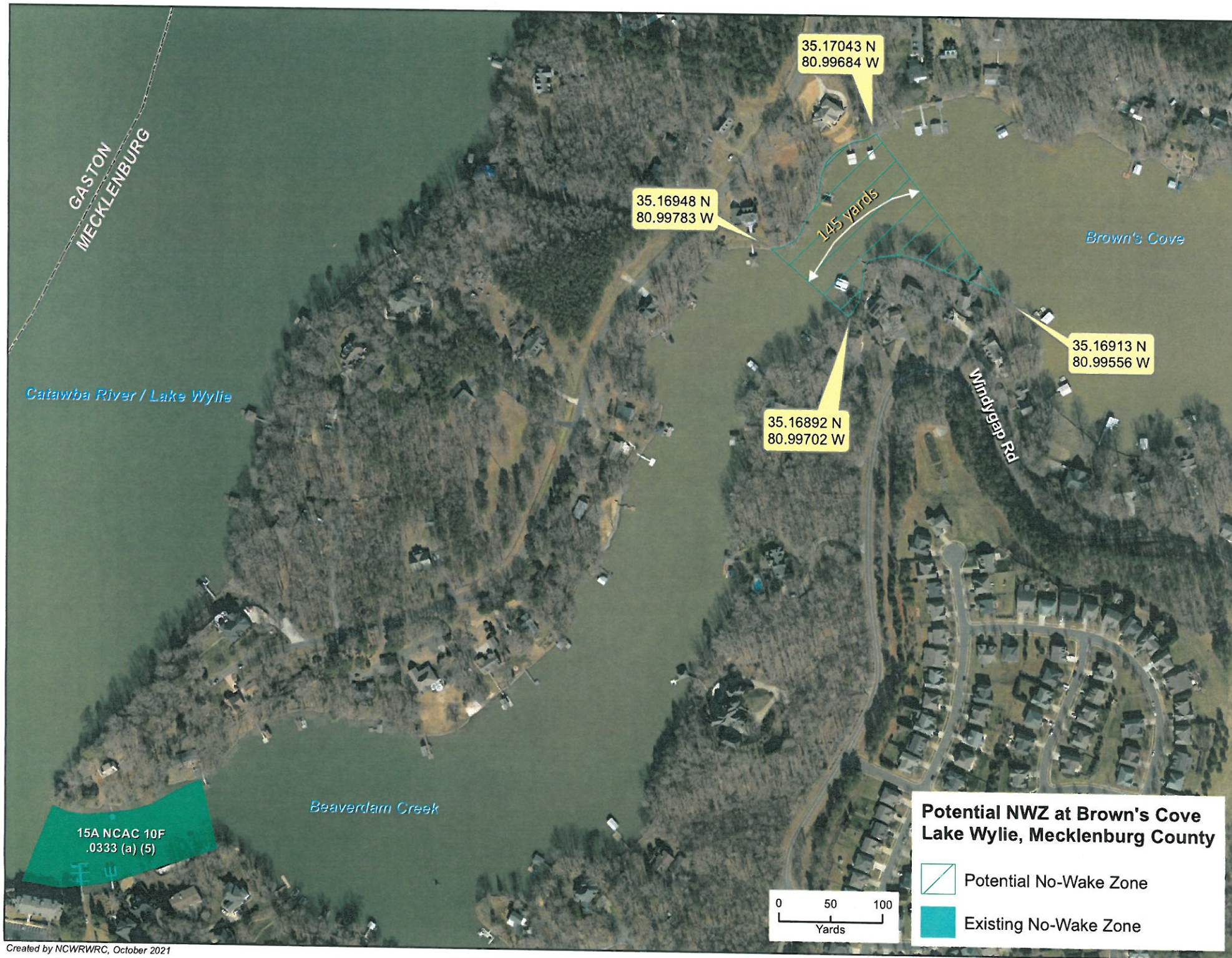


EXHIBIT O

December 9, 2021



RULEMAKING TO INCORPORATE RULE AMENDMENTS FOR LAKE GASTON FROM ANOTHER RULE AND MAKE TECHNICAL CHANGES 15A NCAC 10F .0336 – NORTHAMPTON AND WARREN COUNTIES

The Wildlife Resources Commission requested that agency staff review and revise 15A NCAC 10F .0336, the Rule for Northampton and Warren counties, and to incorporate into this Rule some other amendments for Lake Gaston in Warren County that previously were codified under a separate Rule (15A NCAC 10F .0318.) Two amendments for no-wake zones on Lake Gaston in Warren County are being added to 15A NCAC 10F .0336 and staff will request that 15A NCAC 10F .0318 Warren County be repealed.

Technical changes will remove the text in 15A NCAC 10F .0336(c) - Speed Limit Near Shore Facilities. This language is confusing and unnecessary. In the absence of any statutory authority that has been granted to Marine Commissions, and in a few Session Laws of the General Assembly, it is the purview of the Wildlife Resources Commission to adopt Rules for regulation of vessel speed in the waters of the State, including at “marked boat launching areas, docks, piers, bridges, marinas, boat storage structures, and boat service areas” described in this paragraph. Lake Gaston does not have a Marine Commission and there are no Session Laws that grant authority for marking no-wake zones on Lake Gaston in any of the counties that border that lake. However, over the past 40 years two boat ramps, a bridge, and marinas with docks and piers have been marked as no-wake zones on Lake Gaston without rulemaking and codification in the North Carolina Administrative Code. For the record these areas are now described in (a)(1)(E), (H), (I), (M), and (N). The Enforcement Division has again assessed these locations in preparation for this exhibit and concur that they are properly marked to mitigate safety hazards. They are itemized in the revised Rule, as are all other Boating Access Areas owned or operated by the WRC and located on Lake Gaston and the Roanoke River in Northampton and Warren counties.

Language is being removed in (e) - Swim Areas. Any public marked swim areas on Lake Gaston will be adopted under the authority granted to the Wildlife Resources Commission and with codification in the North Carolina Administrative Code.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments and technical revisions to 15A NCAC 10F .0336, with an open comment period of at least 60 days and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the amendments and technical changes for the Rule on Lake Gaston and the Roanoke River in Northampton and Warren counties.

15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES

(a) ~~Regulated Area. This Rule shall apply to the waters of Lake Gaston in Northampton and Warren counties. No person shall operate a vessel at greater than no-wake speed in the following waters of Lake Gaston and the Roanoke River in Northampton and Warren counties.~~

(1) Lake Gaston:

- (A) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
- (B) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W;
- (C) within 50 yards of the Henrico Boating Access Area in Northampton County, 142 Wildlife Landing Road, Henrico, N.C.;
- (D) within 50 yards of the Vulture Boating Access Area in Northampton County, 773 Old Gaston Road, Gaston, N.C.;
- (E) within 50 yards east and west of the N.C. Highway 903 Eaton Ferry Road Bridge in Warren County;
- (F) within 50 yards of the Hawtree Creek Boating Access Area in Warren County, 1200 Peete Farm Road, Warrenton, N.C.;
- (G) within 50 yards of the Salmons Landing Boating Access area in Warren County, 129 Salmon Landing Road, Littleton, N.C.;
- (H) within 50 yards of the Wildwood Point boat ramp in Warren County, 184 N. Oak Drive, Littleton, N.C.;
- (I) within 50 yards of the Lizard Creek boat ramp in Warren County, 417 Lizard Creek Road, Littleton, N.C.;
- (J) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W; and
- (K) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W;
- (L) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W;
- (M) within 50 yards of the Waters View Restaurant adjacent to the northwest end of the N.C. Highway 903 bridge in Warren County;
- (N) the cove west of the Pointe at Lake Gaston at the southwest end of the N.C. Highway 903 bridge in Warren County, south of a point at 36.50937 N, 77.96644 W;

(O) Camp Willow Run Canoe and Sail Cove in Warren County, beginning at a line shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49534 N, 77.91508 W; and

(P) the cove on Hubquarter Creek in Warren County, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore at 36.49947 N, 78.00553 W.

(2) Roanoke River. No person shall operate a vessel at greater than no-wake speed in Roanoke River in Northampton County within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids Road, Gaston, N.C.

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

~~(c) 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.~~

~~(d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of water:~~

- ~~(1) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;~~
- ~~(2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.48789 N, 77.95009 W;~~
- ~~(3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W;~~
- ~~(4) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise known as Noearva Road at 36.52950 N, 78.07283 W;~~
- ~~(5) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W; and~~
- ~~(6) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W.~~

~~(e) 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 Lake Gaston in Northampton and Warren counties.~~

~~(f)~~(c) Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. March 29, 1981;*

Amended Eff. June 1, 1994; March 1, 1993; September 1, 1989;

Temporary Amendment Eff. March 15, 2003;

Temporary Amendment Expired October 12, 2003;

Amended Eff. May 1, 2014; May 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. June 1, 2022; February 1, 2020; October 1, 2018.

EXHIBIT P

December 9, 2021



PROPOSED NOTICE OF TEXT TO REPEAL 15A NCAC 10F .0318 WARREN COUNTY

Staff recommends approval to publish Notice of Text in the *NC Register* for at least 60 days with an open comment period and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act, to repeal 15A NCAC 10F .0318 Warren County on Lake Gaston.

Amendments for the Warren County no-wake zones on Lake Gaston will be incorporated into 15A NCAC 10F .0336 Northampton and Warren counties.

Upon the close of the open comment period, the WRC may consider approval to repeal 15A NCAC 10F .0318.

~~15A NCAC 10F .0318 — WARREN COUNTY~~

~~(a) Regulated Area. This Rule shall apply to that portion of Lake Gaston which lies within the boundaries of Warren County.~~

~~(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 Lake Gaston in Warren County.~~

~~(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston in Warren County.~~

~~(d) Restricted 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 Lake Gaston in Warren County.~~

~~(e) No person shall operate a vessel at greater than no-wake speed:~~

~~(1) — within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49534 N, 77.91508 W.~~

~~(2) — within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore at 36.49947 N, 78.00553 W.~~

~~(f) Placement of Markers. The Board of Commissioners of Warren County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Amended Eff. October 1, 1992; March 25, 1978;

Temporary Amendment Eff. June 17, 2002;

Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on February 20, 2003;

Amended Eff. May 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. October 1, 2018.

Repealed Eff. June 1, 2022.

EXHIBIT Q

December 9, 2021



PROPOSED NOTICE OF TEXT TO REPEAL 15A NCAC 10F .0312 HENDERSON COUNTY

During the Periodic Review of water safety Rules in 2018, agency staff corresponded and met with the Lake Summit Homeowners Association and with Henderson County Emergency Services Director Jimmy Brissie about Lake Summit. The no-wake zone on Lake Summit is not enforceable because it covers more than half the lake, and it is described as a “seasonal” no-wake zone where markers may be placed and removed. There are not sufficient boater safety hazards to be mitigated and no history of boating fatalities that could have been prevented by a no-wake zone.

The Lake Summit Homeowners Association withdrew their support for maintaining a no-wake zone on the waters of that lake and withdrew their request for the county to pursue further rulemaking at two coves on the lake. An official from Henderson County stated that the Rule, which dates to 1976, is impractical, is not enforceable, and is not marked. The Henderson County Board of Commissioners has concurred and supports repeal of the Rule.

As the agency continues its review of county rules to remove any that are unnecessary, unenforceable, outside statutory authority, or do not conform with the rulemaking criteria, staff recommends approval to publish Notice of Text in the *NC Register* for at least 60 days with an open comment period and one virtual public hearing (due to Covid-19 pandemic closures) per the Administrative Procedure Act, to repeal 15A NCAC 10F .312 in Henderson County on Lake Summit and remove it from the North Carolina Administrative Code.

Upon the close of the open comment period, the WRC may consider final adoption to repeal 15A NCAC 10F .0312.

~~15A NCAC 10F .0312 — HENDERSON COUNTY~~

~~(a) Regulated Area. The regulated area is that portion of Lake Summit which lies west and south of a straight line between Williams Shepherd Point and Zimmerman Point.~~

~~(b) Speed Restriction. It is unlawful to operate a vessel at a speed greater than no wake speed in the regulated area described in the preceding Paragraph; provided, that at least five regulatory markers warning of the speed zone are spaced substantially along the line between the two points described; provided, further, that this speed zone is effective only from June 1 through September 10 of each year, and the regulatory markers required are to be removed during the period in which the speed zone is not in effect.~~

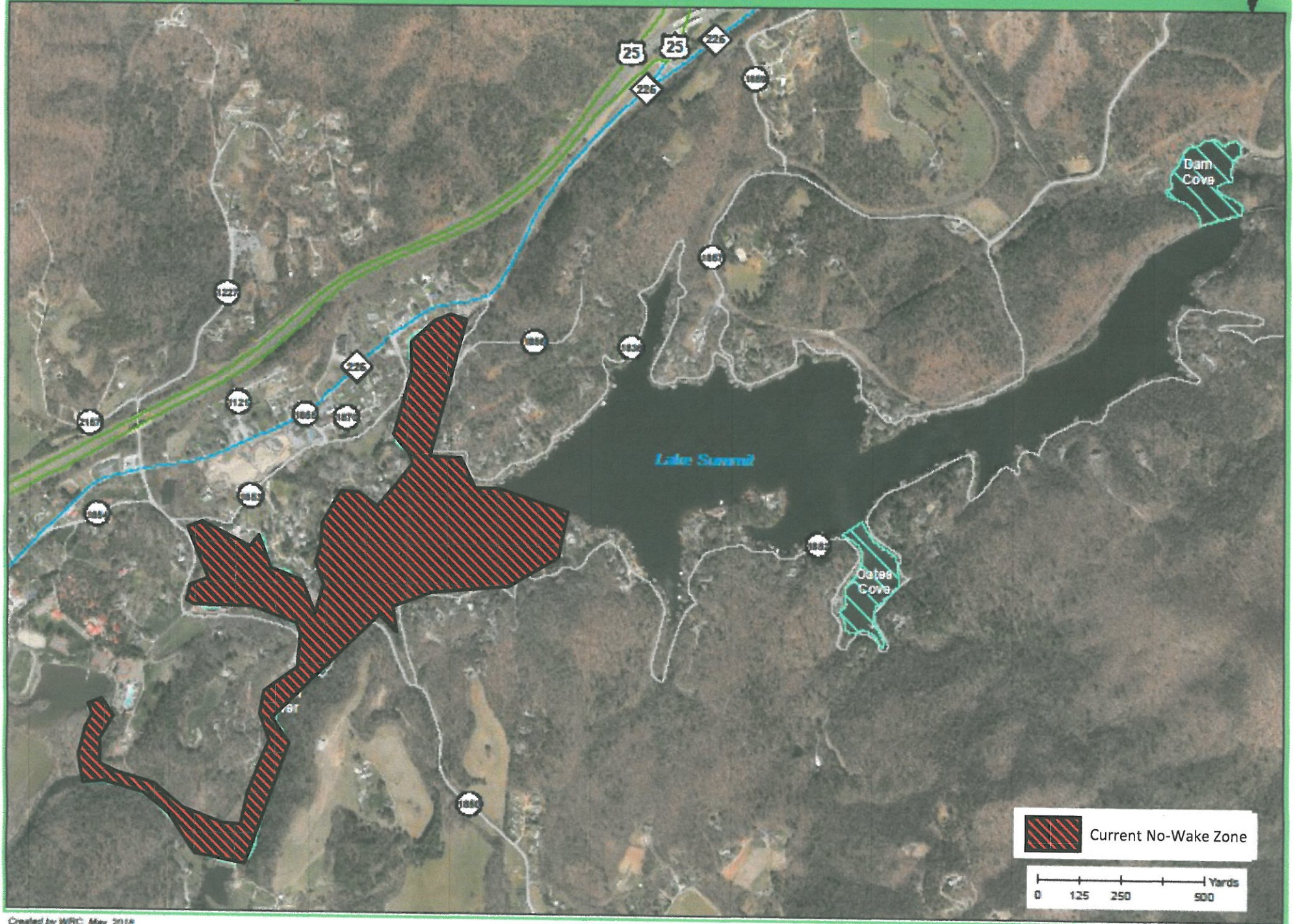
~~(c) Placement, Maintenance and Removal of Markers. The Board of Commissioners of Henderson County is designated a suitable agency for placement, maintenance and removal of the markers implementing this Rule.~~

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

Repealed Eff. June 1, 2022.



Haywood, Betsy

From: Jimmy Brissie [REDACTED]
Sent: Wednesday, September 05, 2018 12:41 PM
To: 'Steve Williams'; Helton, Andrew E; Jenkins, Toby L; Haywood, Betsy
Subject: [External] Lake Summit NWZs
Attachments: Current No Wake Zones.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

All,

This email serves as a brief summary of the situation regarding the NWZs for Lake Summit. As of last night the Lake Summit POA has indicated their desire to withdraw the request from the Board of Commissioners for later consideration.

The Commission contacted the relevant parties in February indicating their desire to repeal the current NWZs as established in the Administrative Code. These rules, in effect since 1976, are arguably unenforceable due to the broad range of the lake included (based on Commission review). Attached is a rough draft of the current NWZs. It was recommended the POA present a new set of rules for consideration prior to the repeal of the current rules. Under the Administrative Code the Board of Commissioners must formally apply for the changes in the rules. The Commissioners would do so upon the request of the POA. During the spring and summer Commission Staff and County Staff met with the POA to review their needs and developed the proposal which was to be discussed this week. Based on additional feedback from the community Mr. Williams, the POA President, elected to withdraw the request for further review.

At this point the County will wait to receive additional input from the POA regarding this request. We will assist in participating with any additional meetings the POA wishes to hold for input.

Feel free to contact me with any questions,

Thanks!

Jimmy Brissie, Director
Henderson County Emergency Services
[REDACTED]