



AGENDA

N.C. WILDLIFE RESOURCES COMMISSION

November 10, 2011, 9:00 a.m.

1751 Varsity Drive

NCWRC Conference Room, 5th Floor

Raleigh, North Carolina

CALL TO ORDER – *Chairman David Hoyle, Jr.*

PLEDGE OF ALLEGIANCE

INVOCATION - *Commissioner Dell Murphy*

RECOGNITION OF VISITORS

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

APPROVAL OF MINUTES - Take action on the October 13, 2011 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members (**EXHIBIT A**)

ADMINISTRATION

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

CONSERVATION EDUCATION SPOTLIGHT – Receive an update on the activities of the Conservation Education Division - *Bob Curry, Inland Fisheries Division Chief, and Erik Christofferson, Engineering Services Division Chief*

INLAND FISHERIES

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

2012 – 2013 Fishing Regulation Proposals – Review and consider for adoption changes in the 2012- 2013 inland fishing regulations – *Bob Curry* **(EXHIBIT C)**

DIVISION OF WILDLIFE MANAGEMENT

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

Easement Request - Juniper Creek Game Land, Brunswick County – Consider approval of a request by the N.C. Department of Transportation for an easement on a portion of Juniper Creek Game Land in Brunswick County – *David Cobb* **(EXHIBIT D)**

2012 – 2013 Hunting and Trapping Regulation Proposals – Review and consider for adoption proposed rule changes in wildlife management regulations for 2012 -2013 – *David Cobb* **(EXHIBIT E)**

NO WAKE ZONE RULE

No Wake Zone Request, Fishing Creek, Carteret County – Consider the request by Fort Macon State Park on behalf of the United States Coast Guard that was tabled by the WRC at the October 13, 2011 meeting, for an amendment to 15A NCAC 10F .0330 for placement of a no wake zone in Fishing Creek in Fort Macon State Park, from its western entrance at Tar Landing Bay to its eastern entrance at the Newport River – *Erik Christofferson* **(EXHIBIT F)**

ADOPTION OF THE 2012 WRC MEETING SCHEDULE – Consider adoption of the 2012 schedule of Wildlife Resources Commission meetings – *Gordon Myers, Executive Director* **(EXHIBIT G)**

SPECIAL RECOGNITION OF FORMER COMMISSIONER MARTIN LEWIS –
Chairman David Hoyle, Jr.

COMMITTEE REPORTS

Big Game Committee Report – John Litton Clark, Chairman

Fisheries Committee Report – Wes Seegars, Chairman

Boating Safety Committee Report – Joe Barker, Chairman

COMMENTS BY CHAIRMAN – David W. Hoyle, Jr.

COMMENTS BY EXECUTIVE DIRECTOR – Gordon Myers

ADJOURN

EXHIBIT A

November 10, 2011



MINUTES

October 13, 2011

N. C. Wildlife Resources Commission Meeting Raleigh, North Carolina

The October 13, 2011 meeting of the North Carolina Wildlife Resources Commission was called to order by *Commission Chairman* David W. Hoyle, Jr. at 9:00 a.m. in the Commission Room at Wildlife Resources Commission headquarters in Raleigh.

Commissioner Durwood Laughinghouse led the Pledge of Allegiance. Commissioner Doug Parsons gave the invocation.

ACCEPTANCE OF PETITION

Chairman Hoyle called upon *Executive Director* Gordon Myers. Myers stated that it was his understanding that a petition was being delivered to the Wildlife Resources Commission for acceptance into the minutes. Acceptance of the petition is not on the agenda, and Myers stated that since the petition is associated with a criminal case it is inappropriate for the agency and Commissioners to discuss the pending case or to accept questions or comments at this meeting. He stated that the WRC uses the committee structure for discussion of wildlife issues, and comments are accepted at committee meetings. Mallory Martin, *Chief Deputy Director*, then received a copy of the petition text, which is incorporated by reference into the minutes of this meeting.

MANDATORY ETHICS INQUIRY AND WELCOME

Chairman Hoyle advised the Commission of the mandatory ethics inquiry as presented in the agenda. Chairman Hoyle then welcomed the Commissioners and visitors present, especially *North Carolina Secretary of State* Elaine Marshall, and thanked her for again participating in the swearing in of a new Wildlife Commissioner.

COMMISSIONER ATTENDANCE

Ray White	Doug Parsons	Tom Berry
Wes Seegars	Mark Craig	Nat Harris
Durwood Laughinghouse	Jim Cogdell	Doc Thurston
David Hoyle, Jr.	Dalton Ruffin	John Coley
Joe Barker	Dell Murphy	John Litton Clark
Berkley Skinner		

VISITORS

Elaine Marshall – N.C. Secretary of State	Greg Culpepper
Lindsey Eaton – WGHP	Renee Chou – WRAL
Joe McCloskey – WGHP	Bill Herrero – WRAL
Ramon Bell- NC Bowhunters Association	Martha Waggoner – AP
Mark Beason – NCBA	Matthew Altamura
J.R. Stone – NCBA	Shannon Altamura
Mickey Strader – NCBA	Denton Melvin
Ned Jones- NC Trout Unlimited	Millie Bowling
Dr. Tom Ray – NCDA	Fred Harris- NC Wildlife Federation
Wayne Kindley	Linda Kindley
Henri McClees- NC Sporting Dog Assn.	Jo Henderson

SWEARING IN OF COMMISSION APPOINTEE DOC J. THURSTON III

Chairman Hoyle called upon *North Carolina Secretary of State* Elaine F. Marshall. Secretary Marshall administered the Oath of Office to Doc J. Thurston III, Commissioner at Large appointed by President Pro Tempore Phil Berger. Commissioner Thurston was given a Holy Bible used for his Oath of Office.

Chairman Hoyle called for a five minute recess so that photographs could be taken. The meeting reconvened at 9:08 a.m.

MINUTES

Commissioner Dalton Ruffin made a motion to approve the August 25, 2011 Wildlife Resources Commission Meeting minutes. The motion was seconded by Commissioner Nat Harris and carried. **The Minutes**, titled Exhibit A, are hereby incorporated into the official record of this meeting.

ADMINISTRATION

Tommy Clark, *Budget Officer*, gave the financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund as of August 31, 2011. Cash balance for the Wildlife Operating Fund was \$22,963,910.89. Cash balance for the Endowment Fund was \$84,313,692.70 **The Financial Status Report**, titled Exhibit B, is hereby incorporated into the official record of this meeting.

ENFORCEMENT DIVISION SPOTLIGHT – On the Road On the Water Don’t Drink and Drive Campaign

Lt. Todd Radabaugh, *Division of Enforcement*, presented a spotlight about the “On the Road On the Water Don’t Drink and Drive” campaign this past summer, which was a collaborative effort among law enforcement agencies to educate the public about operating vehicles on land and on water while under the influence of impairing substances. News releases about the campaign were distributed state-wide with positive response from boaters. Radabaugh stated that the NCWRC offered the first training sessions on conducting a battery of seated sobriety tests for use on the water and for vehicle operators with mobility issues that make standing sobriety tests difficult. More than 71,000 vessels were inspected state-wide during the summer campaign, with 3,187 boating safety violation citations and 7,467 warnings issued as part of the education process. 309 citations for operating while impaired were issued.

INLAND FISHERIES

Inland Fisheries and Outreach Update

In the absence of Bob Curry, *Inland Fisheries Division Chief*, Christian Waters, *Fisheries Program Manager* gave an update on some of the recent activities of the Inland Fisheries Division. Waters mentioned some of the state-wide activities associated with National Hunting and Fishing Day on September 24, 2011. Lifetime licenses were donated at the Pechmann Center by the Pechmann family and by Trout Unlimited. At the Centennial Campus Center for Wildlife Education event the Wake County Wildlife Club donated two lifetime licenses. Waters announced that more than 27,000 visitors attended the wildlife exhibit at the Mountain State Fair held September 9-18. The North Carolina State Fair will be held in Raleigh October 13-23. The WRC theme is “Wildlife Science for a Better Future.” Under fisheries management Waters mentioned the tagging of Atlantic sturgeon on the Roanoke River, and noted collaborative tracking efforts that have identified tagged sturgeon in Delaware Bay and off Cape Hatteras. Hurricane Irene resulted in fish kills that lasted more than two weeks, similar to those that occurred after Hurricane Isabel. Fish production recently has included stocking of 4,533 muskellunge and 70,000 black crappie.

Summary of Public Comments - 2012-2013 Fishing Proposals

Christian Waters presented in **Exhibit C** a summary of the public comments regarding proposed changes to twenty-six inland fishing regulations, received at statewide District public hearings held in September, and from correspondence and the internet portal. Waters reported that 141 comments were received at public hearings and 178 on line. He explained that proposals F9 through F15 concern removal of waters from the Public Mountain Trout Waters program. The rule changes are necessary because landowners have posted properties surrounding those waters against trespass. F14 will be amended before the Commission votes in November. That landowner does not want to have his property removed from the Public Mountain Trout Waters program. Waters encouraged the Commissioners to submit questions and concerns about the proposals prior to the November vote. CDs containing comments in their entirety were distributed to the Commissioners. **Exhibit C** is hereby incorporated into the official record of this meeting.

WILDLIFE MANAGEMENT

Wildlife Management Update

Chairman Hoyle called upon Isaac Harrold, *Division of Wildlife Management Section Manager*, to present an update on the activities of the Division of Wildlife Management in the absence of Dr. David Cobb, who is out of the country. Harrold noted a packet of materials at each Commissioner's place, including information about county fox seasons, 1987-2010 raccoon field trial report, and information from the Climate Change workshop and Wildlife Action Plan.

Property Acquisition, Brunswick County

Isaac Harrold presented in **Exhibit D** the staff recommendation to work with the State Property Office to pursue funding opportunities for the acquisition of the Herbert Swain tract in Brunswick County for inclusion into the Game Land Program. The tract, which is adjacent to the Military Ocean Terminal at Sunny Point, contains 90 species of reptiles and amphibians, 44 of which are state listed and/or priority species including the threatened Carolina gopher frog. The tract contains longleaf pines and a habitat for the federally endangered red-cockaded woodpeckers. Harrold explained that a vote for approval is to initiate the acquisition process with the State Property Office and conservation partners. When funding is identified, staff will seek final WRC approval to proceed with the acquisition. Doug Parsons made a motion to adopt the request to seek matching funding. The motion was seconded by Berkley Skinner and carried. **Exhibit D** is hereby incorporated into the official record of this meeting.

Access Easement Request - Sandhills Game Land, Richmond County

Isaac Harrold presented **Exhibit E**, a request by Mr. Mike Myers of Richmond County for a 30-foot wide easement for a distance of 825 feet to provide access to his property adjacent to the Sandhills Game Land in Richmond County. The common boundary is along SR 1474 (McDonald Church Road.) Mr. Myers has agreed to help maintain his portion of the easement. On a motion by Doug Parsons and second by Wes Seegars the Commission adopted the easement request. **Exhibit E** is hereby incorporated into the official record of this meeting.

Summary of Public Comments from State-Wide Public Hearings

Isaac Harrold presented in **Exhibit F** a summary of public comments on proposed changes to hunting and trapping regulations received from state-wide District public hearings held in September, and from the WRC internet portal and from correspondence. During Harrold's request for questions from the Commissioners someone in the audience attempted to ask a question. The questioner was reminded by Chairman Hoyle that the WRC meeting is not a public hearing and questions and comments from the audience will not be entertained. Harrold closed by announcing that CDs containing the comments in their entirety have been distributed to each Commissioner. **Exhibit F** is hereby incorporated into the official record of this meeting.

Temporary Rulemaking to Allow Trapping of Feral Swine

Isaac Harrold presented **Exhibit G**, a staff recommendation to undertake temporary rulemaking to allow trapping of feral swine with no closed season and no bag limit, with certain restrictions. Harrold explained that under current rules feral swine may be trapped only under a depredation permit which requires an economic justification of greater than \$50.00 in damages caused by the feral swine, threat to human safety, or documented overabundance. The temporary rules will allow for greater flexibility in the take of feral swine until permanent rules can be promulgated at a later date. The temporary rules for trapping feral swine will be subject to the following restrictions:

- Swine trappers must have a Commission-issued permit in addition to a hunting or trapping license
- Feral swine may be live-trapped using only corral or box traps
- Corral and box traps must be designed in a manner such that a non-target animal can be easily released or can escape without harm
- Permit numbers must be placed on all traps
- Feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Joe Barker made a motion to adopt the temporary rules under **15A NCAC 10B .0303 - Open Seasons and 15 A NCAC 10B.0304 – Bag Limits**. The motion was seconded by Durwood Laughinghouse and carried. **Exhibit G** is hereby incorporated into the official record of this meeting.

WATER SAFETY RULES

No Wake Zone Amendment – Lake Landing Canal, Hyde County

Erik Christofferson, *Engineering Services Division Chief*, presented **Exhibit H**, a staff recommendation for an amendment to 15A NCAC 10F .0313 to establish a no wake zone within the waters of a portion of Lake Landing Canal in the vicinity of the Last Chance community in Hyde County. Hyde County has agreed to bear the cost of the purchase, placement and maintenance of no wake markers. An analysis of minor fiscal impact to local government was adopted by the Wildlife Resources Commission and submitted and certified by the Office of State Budget and Management. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011, with no attendees and no comments. On a motion by Wes Seegars and second by Ray White the Hyde County amendment for Lake Landing Canal was adopted. The adopted amendment will be forwarded to the Rules Review Commission for final review and codification in the North Carolina Administrative Code. **No Wake Zone Request – Lake Landing Canal, Hyde County** is hereby incorporated into the official record of this meeting.

No Wake Zone Amendment – Mattamuskeet Lake Canals, Hyde County

Erik Christofferson presented in **Exhibit I** a request by Hyde County on behalf of the U.S. Fish and Wildlife Service for an amendment to 15A NCAC 10F .0313 to establish no wake zones within portions of the Central Canal, East Main Canal, and West Main Canal immediately adjacent to the Mattamuskeet Lodge on Mattamuskeet Lake. The U.S. Fish and Wildlife Service has agreed to purchase, place and maintain the no wake markers at no expense to local or state government. No fiscal note is required. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011 with no attendees and no comments. Durwood Laughinghouse made a motion to adopt the amendment. The motion was seconded by Nat Harris and carried. The adopted amendment will be forwarded to the Rules Review Commission for final review and codification in the North Carolina Administrative Code. **No Wake Zone Request – Mattamuskeet Lake Canals, Hyde County** is hereby incorporated into the official record of this meeting.

No Wake Zone Amendment – Fishing Creek, Carteret County

Erik Christofferson presented **Exhibit J**, a request by the North Carolina Division of Parks and Recreation on behalf of the United States Coast Guard Sector North Carolina to amend 15A NCAC 10F .0330 – Carteret County, to establish a no wake zone within the waters of Fishing Creek, a shallow and narrow tidal creek that runs through Fort Macon State Park. Chairman Hoyle recognized Joe Barker, *Boating Safety Committee Chairman*, who moved to table discussion of the Fishing Creek no wake zone request. The motion was seconded by Wes Seegars and carried. Further consideration of the need for a no wake zone in these waters will be discussed by the Boating Safety Committee on November 9, 2011 prior to consideration by the entire Commission on November 10. The Boating Safety Committee will extend an invitation to representatives from the interested parties (U.S. Coast Guard and the State Park) to attend the committee discussions. **Exhibit J** is hereby incorporated into the official record of this meeting.

No Wake Zone Amendment – High Rock Lake, Davidson County

Erik Christofferson presented **Exhibit K**, a request by Davidson County for an amendment to 15A NCAC 10F .0324 for the creation of a no wake zone at Camp Walter Johnson Salvation Army Camp in Flat Swamp Creek on High Rock Lake. Camp Walter Johnson has agreed to bear the cost of purchase, placement and maintenance of no wake buoys to mark the zone at no expense to local or state government. Therefore submission of a fiscal note is not required pursuant to NCGS 150B-21.4. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011 with no attendees and no comments. On a motion by Nat Harris and second by Joe Barker the Commission adopted the amendment, which will be forwarded to the Rules Review Commission for final review and codification in the North Carolina Administrative Code. **Exhibit K** is hereby incorporated into the official record of this meeting.

COMMITTEE REPORT

Committee of the Whole Meeting Report

Chairman David Hoyle, Jr. reported that the Committee of the Whole met on October 12 to discuss temporary rulemaking for trapping feral swine and comments received from the state-wide public hearings. The Commission will vote on the proposals at the November 10 meeting.

COMMENTS BY THE CHAIRMAN

Chairman Hoyle asked the gubernatorial, Speaker, and President Pro Tempore appointees to stay after the meeting to choose two members from each group respectively to serve on the Executive Committee. The Executive Committee will include the Chairman, Vice Chairman and immediate past Chairman, along with the six committee members selected today.

COMMENTS BY THE EXECUTIVE DIRECTOR

Gordon Myers announced that Bob Curry and Dale Caveny were selected for a prestigious fellowship and are attending a leadership program at the National Conservation Leadership Institute in Shepherdstown, WV. Myers reported that more than 500 employees recently attended town hall meetings that were held in conjunction with some of the public hearings across the state. Myers again stated that the petition that was presented at the beginning of today's meeting is associated with a pending criminal case. It is therefore inappropriate for Commissioners or staff to discuss details of the petition. He said that the petition is being referred to the Executive Committee and reminded the assembly that the WRC uses the committee structure and public hearings to receive public comment and stakeholder input.

Several members of the audience stood and attempted to speak before the Commission regarding the petition that was delivered at the beginning of the meeting. Chairman Hoyle called for order and again noted that it is inappropriate to interrupt the business meeting of the Wildlife Resources Commission.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Hoyle at 10:10 a.m.

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

David W. Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

YEAR-TO-DATE REVENUES AND EXPENSES

EXHIBIT B
November 10, 2011

	<u>September 2010</u>	<u>September 2011</u>
Balance July 1	\$ 23,459,611.18	\$ 20,845,004.99
Plus: Receipts to Date	<u>20,707,468.46</u>	<u>19,359,157.29</u>
Balance and Receipts to Date	44,167,079.64	40,204,162.28
Less: Disbursements To Date	<u>19,877,063.13</u>	<u>16,509,742.67</u>
Balance September 30	<u>\$ 24,290,016.51</u>	<u>\$ 23,694,419.61</u>

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

	September 2010			September 2011		
	Authorized Budget 2010-11	Expenditures	% of Budget Expended	Authorized Budget 2011-12	Expenditures	% of Budget Expended
2100 Administration	\$ 11,462,528.00	\$ 3,057,534.99	26.67%	\$ 8,207,251.00	\$ 2,155,172.06	26.26%
2120 Enforcement	22,449,530.00	6,353,758.49	28.30%	21,255,081.00	4,893,211.44	23.02%
2130 Education	5,131,774.00	1,166,987.69	22.74%	4,545,218.00	999,915.85	22.00%
2140 Inland Fisheries	8,366,615.00	2,160,861.14	25.83%	7,718,976.00	2,259,479.29	29.27%
2150 Management	18,117,624.00	3,463,864.39	19.12%	15,295,856.00	3,330,384.08	21.77%
2160 Engineering Services	6,254,022.00	1,894,228.93	30.29%	7,383,284.00	2,601,099.67	35.23%
2170 W/Life Fund Receipts	5,332,338.00	1,779,827.50	33.38%	2,333,978.00	270,480.28	11.59%
TOTAL	\$ 77,114,431.00	\$ 19,877,063.13	25.78%	\$ 66,739,644.00	\$ 16,509,742.67	24.74%

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

ENDOWMENT FUND YEAR-TO-DATE

	<u>September 2010</u>	<u>September 2011</u>
Balance September 1	\$ 76,810,391.91	\$ 84,313,692.70
Plus: Revenues from Sales	261,227.40	287,394.18
Return on Investment	432,546.48	784,142.89
	<hr/>	<hr/>
	77,504,165.79	85,385,229.77
Less: Transfers Out	<hr/>	<hr/>
	-	-
Balance September 30	<u>\$ 77,504,165.79</u>	<u>\$ 85,385,229.77</u>
Market Value	\$ 85,145,519.92	\$ 93,627,215.15

Endowment Fund Interest

<u>Sources of Interest Available</u>	<u>Expendable</u>	<u>Non Expendable</u>	<u>Transferred to Operations</u>	<u>Transferred to Capital Projects</u>	<u>Expendable Balance</u>
ADULT Licenses	\$ 7,887,257.34	\$ -	\$ -	\$ -	\$ 7,887,257.34
INFANT Licenses	-	8,442,510.74			\$ -
YOUTH Licenses	-	1,818,212.43			\$ -
Magazine Subscriptions	310,002.24	-	-		\$ 310,002.24
Contributions - General	376,160.18	-			\$ 376,160.18
Contributions - Diversity	0.21				\$ 0.21
TOTAL	\$ 8,573,419.97	\$ 10,260,723.17	\$ -	\$ -	\$ 8,573,419.97

2011-12 Budgeted Obligated

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

2011-12 Transferred To Date

To Sportsman Fund	-
To Magazine Fund	-
To Capital Projects	-
	<hr/>
	<u>\$ -</u>

EXHIBIT C

November 10, 2011

PROPOSED CHANGES IN FISHING REGULATIONS FOR 2012-2013

- 1) Cedar Cliff Lake (Jackson County) - Classify this 146-acre lake as Hatchery-Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 7)
- 2) Catawba River (McDowell County) - Classify 0.6 miles of this stream as Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 8 and 14)
- 3) Elk Creek (Wilkes County) - Classify 1.5 miles of this stream as Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 10 and 15)
- 4) Shawneehaw Creek (Avery County) - Classify 0.5 miles of this stream as Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 11)
- 5) Laurel Creek (Watauga County) - Classify 0.3 miles of this stream as Catch and Release/Artificial Lures Only Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 12 and 13)
- 6) Little River (Alleghany County) - Reclassify the upper 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 4 and 14)
- 7) Big Horse Creek (Ashe County) - Reclassify the lower 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 4 and 14)
- 8) Elk Creek (Watauga) - Clarify the boundaries of the Hatchery-Supported Trout Waters section of this stream adding approximately 2.0 miles.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 10)
- 9) North Toe River (Avery County) - Divide the Hatchery-Supported Trout Waters on this stream into an upper and lower section and remove 10.1 miles of this stream from the Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 5)

- 10) Long Creek (Graham County) - Remove 4.2 miles of this stream from Public Mountain trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 6)
- 11) Little Hungry River (Henderson County) - Remove 5.9 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 7)
- 12) Little Creek (Madison County) - Remove 2.0 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 8)
- 13) Mill Creek (Madison County) - Remove 2.4 miles of this stream from Public Mountain Trout Waters, and reclassify the section on Game Lands as Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 8)
- 14) Cane Creek (Mitchell County) - Remove 2.4 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (pages 8 and 15)
- 15) French Broad River (Transylvania County) - Remove 10.3 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters (page 9)
- 16) Establish a 4-fish creel limit and a 20-inch size limit on striped bass in lakes Rhodhiss, Hickory, and Lookout Shoals.
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 17 and 18)
- 17) ~~Increase the minimum size limit for striped bass and hybrid striped bass in B. Everett Jordan Reservoir from 20 to 24 inches.~~
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 18)
- 18) Establish a statewide 14-inch, 5-fish limit for black bass in aggregate, allowing 2 undersized fish to be harvested.
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 17 and 18)
- 19) Remove the exception to the statewide black bass length limit for District 9 waters and Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 18)

- 20) Establish a 10-fish daily creel limit of which no more than two fish greater than 14 inches may be possessed in Lake Cammack (Alamance County) and Lake Holt (Granville County).
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (pages 17 and 20)
- 21) Establish a maximum size limit for largemouth bass in Randleman Reservoir where only one fish greater than 20 inches can be retained in the 5-fish daily creel and establish a 2-fish exception to the minimum size limit such that 2 fish within the 5-fish daily creel can be less than 14 inches.
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 18)
- 22) Reduce the possession limit of American shad to 1 fish per day within the aggregate daily creel of 10 fish for American and hickory shad in inland fishing waters and tributaries of the Neuse River.
Amend the following rule:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 20)
- 23) Clarify that channel, white, or blue catfish may only be taken legally by hook and line and the daily creel limit is six fish in aggregate in waters that are stocked and managed for catfish and located on game lands, on other Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program. The effected water bodies will be identified by posting instead of being listed in the NCAC.
Amend the following rules:
15A NCAC 10C .0305 Open Seasons: Size and Creel Limits (page 19);
15A NCAC 10C .0401 Manner of Taking Nongame Fishes: Purchase and Sale (page 21);
15A NCAC 10E .0104 Use of Areas Regulated (page 25)
- 24) ~~Add Lake Tillery to the list of reservoirs where possession of grass carp is prohibited except those legally taken with bow and arrow.~~
Amend the following rule:
15A NCAC 10C .0401 Manner of Taking Nongame Fishes: Purchase and Sale (page 21)
- 25) Allow the take of nongame fishes with crossbow and arrow from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters.
Amend the following rule:
15A NCAC 10C .0404 Special Device Fishing (page 22)
- 26) Classify ~~eleven tributaries to the Neuse River,~~ one tributary to the Pamlico River, and one tributary to the Cape Fear River as inland primary nursery areas.
Amend the following rule:
15A NCAC 10C .0503 Descriptive Boundaries (pages 23 and 24)
- 27) Allow individuals who possess a valid concealed handgun permit to carry that handgun concealed on public fishing and boating access areas.
Amend the following rule:
15A NCAC 10E .0104 Use of Areas Regulated (page 25)

1 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

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

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

17 (A) Alleghany County:

18 New River (not trout water)

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

23 Brush Creek (except where posted against trespass)

24 Big Pine Creek

25 (Big) Glade Creek

26 Bledsoe Creek

27 Pine Swamp Creek

28 South Fork New River (not trout water)

29 Prather Creek

30 Cranberry Creek

31 Piney Fork

32 Meadow Fork

33 Yadkin River (not trout water)

34 Roaring River (not trout water)

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

37 (B) Ashe County:

38 New River (not trout waters)

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

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

42 Big Horse Creek (Mud Creek at SR 1363 to confluence with North Fork
43 New River) [Delayed Harvest Regulations apply to portion between SR
44 1324 bridge and North Fork New River. See Subparagraph (a)(5) of this
45 Rule.]

46 Buffalo Creek (headwaters to junction of NC 194-88 and SR 1131)

47 Big Laurel Creek

48 Three Top Creek (portion not on game lands)

49 South Fork New River (not trout waters)

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

51 Nathans Creek

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

53 Trout Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5)
54 of this Rule.]

55 Roan Creek

56 Beaver Creek

- 1 Pine Swamp Creek (all forks)
2 Old Fields Creek
3 Mill Creek (except where posted against trespass)
- 4 (C) Avery County:
5 Nolichucky River (not trout waters)
6 North Toe River (~~headwaters to Mitchell County line, upper (Watauga St. to~~
7 ~~Roby Shoemaker Wetlands and Family Recreational Park, except where posted~~
8 against trespass)
9 North Toe River-lower (Sr 1164 to Mitchell Co. line, except where posted
10 against trespass)
11 Squirrel Creek
12 Elk River (SR 1305 crossing immediately upstream of Big Falls to the
13 Tennessee State line, including portions of tributaries on game lands)
14 Wildcat Lake
15 Catawba River (not trout water)
16 Johns River (not trout water)
17 Wilson Creek [not Hatchery Supported trout water, see Subparagraph (a)(2)
18 of this Rule.]
19 Lost Cove Creek [not Hatchery Supported trout water, see
20 Subparagraph (a)(4) of this Rule.]
21 Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph
22 (a)(2) of this Rule.]
23 Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (a)(2)
24 of this Rule.]
25 Boyde Coffey Lake
26 Linville River [Land Harbor line (below dam) to Blue Ridge Parkway boundary line,
27 except where posted against trespass]
28 Milltimber Creek
- 29 (D) Buncombe County:
30 French Broad River (not trout water)
31 Ivy Creek (Ivy River) (Dillingham Creek to US 19-23 bridge)
32 Dillingham Creek (Corner Rock Creek to Ivy Creek)
33 Stony Creek
34 Corner Rock Creek (including tributaries, except Walker Branch)
35 Reems Creek (Sugar Camp Fork to US 19-23 bridge, except where posted against
36 trespass)
37 Swannanoa River (SR 2702 bridge near Ridgecrest to Wood Avenue Bridge,
38 intersection of NC 81W and US 74A in Asheville, except where posted against
39 trespass)
40 Bent Creek (headwaters to N.C. Arboretum boundary line, including portions of
41 tributaries on game lands)
42 Lake Powhatan
43 Cane Creek (headwaters to SR 3138 bridge)
- 44 (E) Burke County:
45 Catawba River (Muddy Creek to the City of Morganton water intake dam) [Special
46 Regulations apply. See Subparagraph (a)(7) of this Rule.]
47 South Fork Catawba River (not trout water)
48 Henry Fork (lower South Mountains State Park line downstream to SR 1919
49 at Ivy Creek)
50 Jacob Fork (Shinny Creek to lower South Mountain State Park
51 boundary) [Delayed Harvest Regulations apply. See Subparagraph
52 (a)(5) of this Rule.]
53 Johns River (not trout water)
54 Parks Creek (portion not on game lands not trout water)
55 Carroll Creek (game lands portion above SR 1405 including tributaries)

- 1 Linville River (portion within Linville Gorge Wilderness Area, including
2 tributaries, and portion below Lake James powerhouse from upstream bridge on
3 SR 1223 to Muddy Creek)
- 4 (F) Caldwell County:
5 Catawba River (not trout water)
6 Johns River (not trout water)
7 Wilson Creek (game lands portion downstream of Lost Cove Creek to
8 Brown Mountain Beach dam, except where posted against trespass)
9 [Delayed Harvest Regulations apply to game lands portion between Lost
10 Cove Creek and Phillips Branch. See Subparagraph (a)(5) of this Rule.)
11 Estes Mill Creek (not trout water)
12 Mulberry Creek (portion not on game lands not trout water)
13 Boone Fork [not Hatchery Supported trout water. See Subparagraph (a)(2)
14 of this Rule.]
15 Boone Fork Pond
16 Yadkin River (Happy Valley Ruritan Community Park to SR 1515)
17 Buffalo Creek (mouth of Joes Creek to McCloud Branch)
18 Joes Creek (first falls upstream of SR 1574 to confluence with Buffalo
19 Creek)
- 20 (G) Cherokee County:
21 Hiwassee River (not trout water)
22 Shuler Creek (Joe Brown Highway (SR 1325) bridge to Tennessee line)
23 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
24 Valley River (headwaters to US 19 business bridge in Murphy)
25 Hyatt Creek (including portions of tributaries on game lands)
26 Junaluska Creek (Ashturn Creek to Valley River, including portions of
27 tributaries on game lands)
- 28 (H) Clay County:
29 Hiwassee River (not trout water)
30 Fires Creek (foot bridge in the US Forest Service Fires Creek Picnic Area to SR
31 1300)
32 Tusquitee Creek (headwaters to lower SR 1300 bridge)
33 Nantahala River (not trout water)
34 Buck Creek (game land portion downstream of US 64 bridge)
- 35 (I) Graham County:
36 Little Tennessee River (not trout water)
37 Calderwood Reservoir (Cheoah Dam to Tennessee State line)
38 Cheoah River (not trout water)
39 Yellow Creek
40 Santeetlah Reservoir (not trout water)
41 West Buffalo Creek
42 Little Buffalo Creek
43 Santeetlah Creek (Johns Branch to mouth including portions of
44 tributaries within this section located on game lands, excluding Johns
45 Branch and Little Santeetlah Creek)
46 (Big) Snowbird Creek (old railroad junction to SR 1127 bridge,
47 including portions of tributaries on game lands)
48 Mountain Creek (game lands boundary to SR 1138 bridge)
49 ~~Long Creek (portion not on game lands)~~
50 Tulula Creek (headwaters to lower bridge on SR 1275)
51 Cheoah Reservoir
52 Fontana Reservoir (not trout water)
53 Stecoah Creek
54 Panther Creek (including portions of tributaries on game lands)
- 55 (J) Haywood County:
56 Pigeon River (Stamey Cove Branch to upstream US 19-23 bridge)

- 1 Cold Springs Creek (including portions of tributaries on game lands)
2 Jonathan Creek (upstream SR 1302 bridge to Pigeon River, except where posted
3 against trespass)
4 Richland Creek (Russ Avenue (US 276) bridge to US 23-74 bridge)
5 West Fork Pigeon River (Tom Creek to the first game land boundary upstream
6 of Lake Logan) [Delayed Harvest Regulations apply to the portion from Queen
7 Creek to the first game land boundary upstream of Lake Logan. See
8 Subparagraph (a)(5) of this Rule.]
- 9 (K) Henderson County:
10 (Rocky) Broad River (Rocky River Lane to Rutherford County line)
11 Green River - upper (mouth of Joe Creek to mouth of Bobs Creek)
12 Green River - lower (Lake Summit Dam to I-26 bridge)
13 (Big) Hungry River
14 ~~Little Hungry River~~
15 French Broad River (not trout water)
16 Cane Creek (SR 1551 bridge to US 25 bridge)
17 Mud Creek (not trout water)
18 Clear Creek (SR 1591 bridge at Jack Mountain Lane to SR 1582)
19 Mills River (not trout water)
20 North Fork Mills River (game lands portion below the Hendersonville watershed
21 dam). [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this
22 Rule.]
- 23 (L) Jackson County:
24 Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1534 bridge
25 at Wilmot) [Delayed Harvest Regulations apply to that portion between the
26 downstream NC 107 bridge and the falls located 275 yards upstreams of US 23-441
27 bridge as marked by a sign on each bank. See Subparagraph (a)(5) of this Rule.]
28 Scott Creek (entire stream, except where posted against trespass)
29 Dark Ridge Creek (Jones Creek to Scotts Creek)
30 Savannah Creek (Headwaters to Bradley's Packing House on NC 116)
31 Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)
32 Cullowhee Creek (Tilley Creek to Tuckasegee River)
33 Cedar Cliff Lake
34 Bear Creek Lake
35 Wolf Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this
36 Rule.]
37 Wolf Creek Lake
38 Balsam Lake
39 Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this
40 Rule.]
41 Tanasee Creek Lake
- 42 (M) Macon County:
43 Little Tennessee River (not trout water)
44 Nantahala River (Nantahala Dam to Swain County line) [Delayed Harvest
45 Regulations apply to the portion from Whiteoak Creek to the Nantahala
46 hydropower discharge canal. See Subparagraph (a)(5) of this Rule.]
47 Queens Creek Lake
48 Burningtown Creek (including portions of tributaries on game lands)
49 Cullasaja River Sequoyah Dam to US 64 bridge near junction of SR 1672,
50 including portions of tributaries on game lands, excluding those portions of
51 Buck Creek and Turtle Pond Creek on game lands. [Wild Trout Regulations
52 apply. See Subparagraphs (a)(2) and (a)(6) of this Rule.]
53 Skitty Creek
54 Cliffside Lake
55 Cartoogechaye Creek (downstream US 64 bridge to Little Tennessee River)
- 56 (N) Madison County:

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- French Broad River (not trout water)
- Shut-In Creek (including portions of tributaries on game lands)
- Spring Creek upper (junction of NC 209 and NC 63 to US Forest Service road 223)
- Spring Creek-lower (NC 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Avenue) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
- Meadow Fork Creek
- Roaring Fork (including portions of tributaries on game lands)
- ~~Little Creek~~
- Max Patch Pond
- Big Laurel Creek (Mars Hill Watershed boundary to the SR 1318 bridge, also known as Big Laurel Road bridge, downstream of Bearpen Branch)
- Big Laurel Creek (NC 208 bridge to US 25-70 bridge) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
- Spillcorn Creek (entire stream, excluding tributaries)
- Shelton Laurel Creek (confluence of Big Creek and Mill Creek to NC 208 bridge at Belva)
- Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
- ~~Mill Creek (headwaters to confluence with Big Creek)~~
- Puncheon Fork (Hampton Creek to Big Laurel Creek)
- Big Pine Creek (SR 1151 bridge to French Broad River)
- Ivy Creek (not trout waters)
- Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)
- (O) McDowell County:
 - Catawba River – upper (Catawba Falls Campground to Old Fort Recreation Park)
 - Catawba River – lower (portion adjacent to Marion Greenway) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
 - Buck Creek (portion not on game lands, not trout water)
 - Little Buck Creek (game land portion including portions of tributaries on game lands)
 - Curtis Creek game lands portion downstream of US Forest Service boundary at Deep Branch. [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
 - North Fork Catawba River (headwaters to SR 1569 bridge)
 - Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
 - Mill Creek (upper railroad bridge to I 40 bridge, except where posted against trespass) [Delayed Harvest Regulations apply to that portion between US 70 bridge and I 40 bridge. See Subparagraph (a)(5) of this Rule.]
- (P) Mitchell County:
 - Nolichucky River (not trout water)
 - Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)
 - Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where posted against trespass)
 - ~~Cane Creek (SR 1219 to NC 226 bridge)~~
 - Cane Creek (NC 226 bridge to NC 80 bridge) (SR 1219 to [SR-1278] SR 1189 bridge) [Delayed Harvest Regulations apply to that portion from NC 226 bridge to [SR-1278] SR 1189 bridge. See Subparagraph (a)(5) of this Rule.]
 - Grassy Creek (East Fork Grassy Creek to mouth)
 - East Fork Grassy Creek
 - North Toe River (Avery County line to SR 1121 bridge)
 - North Toe River (US 19E bridge to NC 226 bridge) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]

- 1 (Q) Polk County:
2 Broad River (not trout water)
3 North Pacolet River (Joels Creek to NC 108 bridge)
4 Green River (Fishtop Falls Access Area to the natural gas pipeline crossing)
5 [Delayed Harvest Regulations apply to the portion from Fishtop Falls Access
6 Area to Cove Creek. See Subparagraph (a)(5) of this Rule.]
- 7 (R) Rutherford County:
8 (Rocky) Broad River (Henderson County line to US 64/74 bridge, except where
9 posted against trespass)
- 10 (S) Stokes County:
11 Dan River (Virginia State line downstream to a point 200 yards below the end of SR
12 1421)
- 13 (T) Surry County:
14 Yadkin River (not trout water)
15 Ararat River (SR 1727 bridge downstream to the NC 103 bridge)
16 Araat River (NC 103 bridge to US 52 bridge) [Delayed Harvest Regulations
17 apply. See Subparagraph (a)(5) of this Rule.]
18 Stewarts Creek (not trout water)
19 Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge -
20 lower Caudle property line)
21 Fisher River (Cooper Creek) (Virginia State line to Interstate 77)
22 Little Fisher River (Virginia State line to NC 89 bridge)
23 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge
24 below Kapps Mill Dam) [Delayed Harvest Regulations apply. See
25 Subparagraph (a)(5) of this Rule.]
- 26 (U) Swain County:
27 Little Tennessee River (not trout water)
28 Calderwood Reservoir (Cheoah Dam to Tennessee State line)
29 Cheoah Reservoir
30 Fontana Reservoir (not trout water)
31 Alarka Creek (game lands boundary to Fontana Reservoir)
32 Nantahala River (Macon County line to existing Fontana Reservoir water
33 level)
34 Tuckasegee River (not trout water)
35 Deep Creek (Great Smoky Mountains National Park boundary line to
36 Tuckasegee River)
37 Connelly Creek (including portions of tributaries on game lands)
- 38 (V) Transylvania County:
39 French Broad River (~~junction of west and north forks to US 276 bridge~~) (confluence
40 of North Fork French Broad River and West Fork French Broad River to the
41 Island Ford Road (SR 1110) Access Area)
42 Davidson River (Avery Creek to lower US Forest Service boundary line)
43 East Fork French Broad River (Glady Fork to French Broad River) [Delayed
44 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
45 Little River (confluence of Lake Dense outflow to 100 yards downstream of
46 Hooker Falls) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
47 this Rule.]
48 Middle Fork French Broad River
49 West Fork French Broad River (SR 1312 and SR 1309 intersection to junction
50 of west and north forks, including portions of tributaries within this section
51 located on game lands)
- 52 (W) Watauga County:
53 New River (not trout waters)
54 North Fork New River (from confluence with Maine and Mine branches to Ashe
55 County line)
56 Maine Branch (headwaters to North Fork New River)

1 South New Fork River (not trout water)
2 Meat Camp Creek
3 Norris Fork Creek
4 Howard Creek (downstream from lower falls)
5 Middle Fork New River (Lake Chetola Dam to South Fork New River)
6 Yadkin River (not trout water)
7 Stony Fork (headwaters to Wilkes County line)
8 Elk Creek (~~headwaters to gravel pit on SR 1508,~~ SR 1510 bridge at Triplett to
9 Wilkes County line, except where posted against trespass)
10 Watauga River (adjacent to the intersection of SR 1557 and SR 1558 to NC 105
11 bridge and SR 1114 bridge to NC 194 bridge at Valle Crucis). [Delayed Harvest
12 Regulations apply. See Subparagraph (a)(5) of this Rule.]
13 Beech Creek
14 Buckeye Creek Reservoir
15 Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
16 Coffee Lake [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
17 this Rule.]
18 Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek
19 to an unnamed tributary adjacent to the intersection of SR 1201 and SR 1203)
20 Laurel Creek
21 Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)
22 Dutch Creek (second bridge on SR 1134 to mouth)
23 (X) Wilkes County:
24 Yadkin River (not trout water)
25 Roaring River (not trout water)
26 East Prong Roaring River (Bullhead Creek to Brewer's Mill on SR 1943)
27 [Delayed Harvest Regulations apply to portion on Stone Mountain State
28 Park. See Subparagraph (a)(5) of this Rule.]
29 Stone Mountain Creek [Delayed Harvest Regulations apply. See
30 Subparagraph (a)(5) of this Rule.]
31 Middle Prong Roaring River (headwaters to second bridge on SR 1736)
32 Bell Branch Pond
33 Boundary Line Pond
34 West Prong Roaring River (not trout waters)
35 Pike Creek
36 Pike Creek Pond
37 Cub Creek (0.5 miles upstream of SR 2460 bridge to SR 1001 bridge)
38 Reddies River (Town of North Wilkesboro water intake dam to confluence with
39 Yadkin River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of
40 this Rule.]
41 Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR
42 1580)
43 South Fork Reddies River (headwaters to confluence with Middle Fork
44 Reddies River)
45 North Fork Reddies River (Vannoy Creek) (headwaters to Union
46 School bridge on SR 1559)
47 Darnell Creek (North Prong Reddies River) (downstream ford on
48 SR 1569 to confluence with North Fork Reddies River)
49 Lewis Fork Creek (not trout water)
50 South Prong Lewis Fork (headwaters to Lewis Fork Baptist Church)
51 Fall Creek (except portions posted against trespass)
52 Elk Creek – upper (Watauga County line to lower boundary of Reynolds Blue
53 Ridge development) [Delayed Harvest Regulations apply. See Subparagraph
54 (a)(5) of this Rule.]
55 Elk Creek – lower (portion on Leatherwood Mountains development) [Delayed
56 Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]

- 1 (Y) Yancey County:
2 Nolichucky River (not trout water)
3 Cane River [Bee Branch (SR 1110) to Bowlens Creek]
4 Bald Mountain Creek (except portions posted against trespass)
5 Indian Creek (not trout water)
6 Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)
7 North Toe River (not trout water)
8 South Toe River (Clear Creek to lower boundary line of Yancey County
9 recreation park except where posted against trespass)
- 10 (2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands
11 listed in Subparagraph (b)(2) of 15A NCAC 10D .0104, are classified as Wild Trout Waters unless
12 specifically classified otherwise in Subparagraph (a)(1) of this Rule. The trout waters listed in this
13 Subparagraph are also classified as Wild Trout Waters.
- 14 (A) Alleghany County:
15 Big Sandy Creek (portion on Stone Mountain State Park)
16 Stone Mountain Creek (that portion on Stone Mountain State Park)
- 17 (B) Ashe County:
18 Big Horse Creek (Virginia State Line to Mud Creek at SR 1363) [Catch and
19 Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.]
20 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game
21 Land) [Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph
22 (a)(3) of this Rule.]
- 23 (C) Avery County:
24 Birchfield Creek (entire stream)
25 Cow Camp Creek (entire stream)
26 Cranberry Creek (headwaters to US 19E/NC 194 bridge)
27 ~~Elk Hollow Branch (entire stream)~~
28 Elk River (portion on Lees-McRae College property, excluding the millpond) [Catch and
29 Release/Artificial Flies Only Regulations apply. See Subparagraph (a)(4) of this
30 Rule.]
31 Gragg Prong (entire stream)
32 Horse Creek (entire stream)
33 Jones Creek (entire stream)
34 Kentucky Creek (entire stream)
35 North Harper Creek (entire stream)
36 Plumtree Creek (entire stream)
37 Roaring Creek (entire stream)
38 Rockhouse Creek (entire stream)
39 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
40 South Harper Creek (entire stream)
41 Webb Prong (entire stream)
42 Wilson Creek [Catch and Release/Artificial Lures Only Regulations apply. See
43 Subparagraph (a)(3) of this Rule.]
- 44 (D) Buncombe County:
45 Carter Creek (game land portion) [Catch and Release/Artificial Lures only Regulations
46 apply. See Subparagraph (a)(3) of this Rule.]
- 47 (E) Burke County:
48 All waters located on South Mountain State Park, except the main stream of Jacob Fork
49 Between the mouth of Shinny Creek and the lower park boundary where Delayed Harvest
50 Regulations apply, and Henry Fork and tributaries where Catch and Release/Artificial
51 Lures Only Regulations apply. See Subparagraphs (a)(3) and (a)(5) of this Rule.
52 Nettle Branch (game land portion)
- 53 (F) Caldwell County:
54 Buffalo Creek (Watauga County line to Long Ridge Branch including tributaries on game
55 lands)
56 Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)

- 1 Rockhouse Creek (entire stream)
- 2 (G) Cherokee County:
- 3 Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters
- 4 Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 5 Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
- 6 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 7 North Shoal Creek (game land portions, including tributaries) [Wild Trout/Natural Bait
- 8 Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 9 (H) Graham County:
- 10 Franks Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
- 11 Subparagraph (a)(6) of this Rule.]
- 12 Little Buffalo Creek (entire stream)
- 13 South Fork Squally Creek (entire stream)
- 14 Squally Creek (entire stream)
- 15 (I) Haywood County
- 16 Hemphill Creek [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph
- 17 (a)(6) of the Rule.]
- 18 Hurricane Creek (including portions of tributaries on game lands) [Wild Trout/Natural
- 19 Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 20 (J) Jackson County:
- 21 Buff Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See
- 22 Subparagraph (a)(6) of this Rule.]
- 23 Gage Creek (entire stream)
- 24 North Fork Scott Creek (entire stream)
- 25 Shoal Creek (Glenville Reservoir pipeline to mouth) [Wild Trout/Natural Bait Waters
- 26 Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 27 Tanasee Creek (entire stream)
- 28 West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville
- 29 Lake) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of
- 30 this Rule.]
- 31 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- 32 Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)
- 33 (K) Madison County:
- 34 Big Creek (headwaters to the lower game land boundary, including tributaries) [Wild
- 35 Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- 36 (L) Mitchell County:
- 37 Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)
- 38 Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except
- 39 where
- 40 posted against trespass)
- 41 Wiles Creek (game land boundary to mouth)
- 42 (M) Transylvania County:
- 43 All waters located on Gorges State Park
- 44 Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- 45 (N) Watauga County:
- 46 Dugger Creek (portions on Reynolds Blue Ridge development, including tributaries.
- 47 Anglers must check in at the development security office on Triplett Road prior to
- 48 fishing) [Catch and Release/Artificial Lure Only Trout Waters Regulations apply. See
- 49 Subparagraph (a)(3) of this Rule.]
- 50 Dutch Creek (headwaters to second bridge on SR 1134)
- 51 Howards Creek (headwaters to lower falls)
- 52 Laurel Creek (portions on Reynolds Blue Ridge ~~development~~, and Powder Horn
- 53 Mountain developments, including tributaries. Anglers fishing the upper section of
- 54 Laurel Creek must check in at the ~~development~~ Reynolds Blue Ridge security office on
- 55 Triplett Road prior to ~~fishing~~ fishing. Anglers fishing the lower section of Laurel Creek
- 56 must access the creek from the parking area on Powder Horn Mountain property adjacent

- 1 to Laurel Creek on Triplett Road. [Catch and Release/Artificial Lure Only Trout Waters
2 Regulations apply. See subparagraph (a)(3) of this Rule.]
3 Pond Creek (headwaters to Locust Ridge Road bridge, excluding the pond adjacent to
4 Coffee Lake) [Catch and Release/Artificial Lure Only Trout Waters Regulations Apply.
5 See Subparagraph (a)(3) of this Rule.]
6 Watauga River (Avery County line to steel bridge at Riverside Farm Road)
7 Winkler Creek (lower bridge on SR 1549 to confluence with South Fork New River)
8 (O) Wilkes County:
9 Big Sandy Creek (portion on Stone Mountain State Park)
10 Dugger Creek (portions on Reynolds Blue Ridge development, including tributaries.
11 Anglers must check in at the development security office on Triplett Road prior to
12 fishing) [Catch and Release/Artificial Lure Only Trout Waters Regulations apply. See
13 Subparagraph (a)(3) of this Rule.]
14 Garden Creek (portion on Stone Mountain State Park)
15 Harris Creek and tributaries (portions on Stone Mountain State Park) [Catch and Release
16 Artificial Lures Only Regulations apply. See Subparagraph (a)(4) of this Rule.]
17 Widow Creek (portion on Stone Mountain State Park)
18 (P) Yancey County:
19 Cattail Creek (Bridge at Mountain Farm Community Road (Private) to NC 197 bridge)
20 Licksillet Creek (entire stream)
21 Middle Creek (game land boundary to mouth)
22 (3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout
23 waters as listed in this Subparagraph, including tributaries except as noted, are further classified as
24 Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may
25 be used. No trout may be harvested or be in possession while fishing these streams:
26 (A) Ashe County:
27 Big Horse Creek (Virginia State line to Mud Creek at SR 1363 excluding tributaries)
28 Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game
29 Lands)
30 (B) Avery County:
31 Wilson Creek (game land portion)
32 (C) Buncombe County:
33 Carter Creek (game land portion)
34 (D) Burke County:
35 Henry Fork (portion on South Mountains State Park)
36 (E) Jackson County:
37 Flat Creek
38 Tuckasegee River (upstream of Clarke property)
39 (F) McDowell County:
40 Newberry Creek (game land portion)
41 (G) Watauga County:
42 Dugger Creek (portions on Reynolds Blue Ridge development, including tributaries.
43 Anglers must check in at the development security office on Triplett Road prior to
44 fishing)
45 Laurel Creek (portions on Reynolds Blue Ridge development, and Powder Horn
46 Mountain developments, including tributaries. Anglers fishing the upper section of
47 Laurel Creek must check in at the development security office on Triplett Road prior to
48 fishi~~ng~~ng. Anglers fishing the lower section of Laurel Creek must access the creek
49 from the parking area on Powder Horn Mountain property adjacent to Laurel Creek on
50 Triplett Road.)
51 Pond Creek (headwaters to Locust Ridge bridge, excluding the pond adjacent to Coffee
52 Lake)
53 (H) Wilkes County:
54 Dugger Creek (portions on Reynolds Blue Ridge development, including tributaries.
55 Anglers must check in at the development security office on Triplett Road prior to
56 fishing)

- 1 Harris Creek (portion on Stone Mountain State Park)
- 2 (4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout
- 3 waters as listed in this Subparagraph, including tributaries except as noted, are further classified as
- 4 Catch and Release/Artificial Flies Only waters. Only artificial flies having one single hook may
- 5 be used. No trout may be harvested or be in possession while fishing these streams:
- 6 (A) Avery County:
- 7 Elk River (portion on Lees-McRae College property, excluding the millpond)
- 8 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- 9 (B) Transylvania County:
- 10 Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass
- 11 Creek
- 12 and Grogan Creek)
- 13 (C) Yancey County:
- 14 South Toe River (headwaters to Upper Creek, including tributaries)
- 15 Upper Creek (entire stream)
- 16 (5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as
- 17 listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed
- 18 Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first
- 19 Saturday of the following June, inclusive, it is unlawful to possess natural bait, use more than a
- 20 single hook on an artificial lure, or harvest or possess trout while fishing these waters. These
- 21 waters are closed to fishing between one-half hour after sunset on the Friday before the first
- 22 Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in
- 23 June these waters are open for fishing under Hatchery Supported Waters rules for youth anglers
- 24 only. Youth is defined as a person under 16 years of age. At 12:00 p.m. on the first Saturday in
- 25 June these streams open for fishing under Hatchery Supported Waters rules for all anglers:
- 26 (A) Alleghany County:
- 27 Little River (Whitehead to a point 275 yards downstream of the intersection of SR 1128
- 28 and SR 1129 as marked by a sign on each bank)
- 29 ~~(A)~~(B) Ashe County:
- 30 Trout Lake
- 31 Helton Creek (Virginia state line to New River)
- 32 Big Horse Creek (SR 1324 bridge to North Fork New River)
- 33 ~~(B)~~(C) Burke County:
- 34 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- 35 ~~(C)~~(D) Caldwell County:
- 36 Wilson Creek (game lands portion downstream of Lost Cove Creek to Phillips Branch)
- 37 ~~(D)~~(E) Haywood County:
- 38 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake
- 39 Logan)
- 40 ~~(E)~~(F) Henderson County:
- 41 North Fork Mills River (game land portion below the Hendersonville watershed dam)
- 42 ~~(F)~~(G) Jackson County:
- 43 Tuckasegee River (downstream NC 107 bridge falls located 275 yards upstream of the
- 44 US 23-441 bridge as marked by a sign on each bank)
- 45 ~~(G)~~(H) Macon County:
- 46 Nantahala River (Whiteoak Creek to the Nantahala hydropower discharge canal)
- 47 ~~(H)~~(I) Madison County:
- 48 Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)
- 49 Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)
- 50 Spring Creek (NC 209 bridge at Hot Springs city limits to iron bridge at end of Andrews
- 51 Avenue)
- 52 ~~(I)~~(J) McDowell County:
- 53 (Catawba River (portion adjacent to Marion Greenway)
- 54 Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep
- 55 Branch)
- 56 Mill Creek (US70 bridge to I 40 bridge)

- 1 ~~(K)~~(K) Mitchell County:
2 Cane Creek (NC 226 bridge to NC 80-~~[SR-1278]~~ SR 1189 bridge)
3 North Toe River (US 19E bridge to NC 226 bridge)
4 ~~(L)~~(L) Polk County:
5 Green River (Fishtop Falls Access Area to confluence with Cove Creek)
6 ~~(M)~~(M) Surry County:
7 Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below
8 Kapps Mill Dam)
9 Ararat River (NC 103 bridge to US 52 bridge)
10 ~~(N)~~(N) Transylvania County:
11 East Fork French Broad River (Glady Fork to French Broad River)
12 Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
13 ~~(O)~~(O) Watauga County:
14 Watauga River (adjacent to intersection of SR 1557 and SR 1558 to NC 105 bridge and
15 SR 1114 bridge to NC 194 bridge at Valle Crucis)
16 Coffee Lake
17 ~~(P)~~(P) Wilkes County:
18 East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State
19 Park lower boundary)
20 Stone Mountain Creek (from falls at Allegheny County line to confluence with East
21 Prong
22 Roaring River and Bullhead Creek in Stone Mountain State Park)
23 Reddies River (Town of North Wilkesboro water intake dam to confluence with Yadkin
24 River)
25 Elk Creek – upper (Watauga County line to lower boundary of Reynolds Blue Ridge
26 development)
27 Elk Creek – lower (portion on Leatherwood Mountains development)
28 (6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this
29 Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural
30 Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are
31 fished using only one single hook. The creel limit, size limit, and open season are the same as
32 other Wild Trout Waters [see 15A NCAC 10C .0305(a)].
33 (A) Cherokee County:
34 Bald Creek (game land portions)
35 Dockery Creek (game land portions)
36 North Shoal Creek (game land portions)
37 (B) Graham County:
38 Deep Creek
39 Long Creek (game land portion)
40 Franks Creek
41 (C) Haywood County:
42 Hemphill Creek (including tributaries)
43 Hurricane Creek (including portions of tributaries on game lands)
44 (D) Jackson County:
45 Buff Creek
46 Chattooga River (SR 1100 bridge to South Carolina state line)
47 (lower) Fowler Creek (game land portion)
48 Scotsman Creek (game land portion)
49 Shoal Creek (Glenville Reservoir pipeline to mouth)
50 West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville
51 Lake)
52 (E) Macon County:
53 Chattooga River (SR 1100 bridge to South Carolina state line)
54 Jarrett Creek (game land portion)
55 Kimsey Creek
56 Overflow Creek (game land portion)

- 1 Park Creek
 2 Tellico Creek (game land portion)
 3 Turtle Pond Creek (game land portion)
 4 (F) Madison County:
 5 Big Creek (headwaters to the lower game land boundary, including tributaries)
 6 (G) Transylvania County:
 7 North Fork French Broad River (game land portions downstream of SR 1326)
 8 Thompson River (SR 1152 to South Carolina state line, except where posted against
 9 trespass,
 10 including portions of tributaries within this section located on game lands)
 11 (7) Special Regulation Trout Waters. Those portions of Designated Public Mountain Trout Waters as
 12 listed in this Subparagraph, excluding tributaries as noted, are further classified as Special
 13 Regulation Trout Waters. Regulations specific to each water are defined below:
 14 Burke County
 15 Catawba River (Muddy Creek to City of Morganton water intake dam).
 16 Regulation: The daily creel limit is 7 trout and only one of which may be greater than 14
 17 inches in length; no bait restrictions; no closed season.

18 (b) Fishing in Trout Waters

- 19 (1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner
 20 whatsoever from designated public mountain trout waters during the closed seasons for trout
 21 fishing. The seasons, size limits, creel limits and possession limits apply in all waters, whether
 22 designated or not, as public mountain trout waters. Except in power reservoirs and city water
 23 supply reservoirs so designated, it is unlawful to fish in designated public mountain trout waters
 24 with more than one line. Night fishing is not allowed in most hatchery supported trout waters on
 25 game lands [see 15A NCAC 10D .0104(b)(1)].
 26 (2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (a)(3), (a)(4), and (a)(6) of
 27 this Rule, the following rules apply to fishing in wild trout waters.
 28 (A) Open Season. There is a year round open season for the licensed taking of trout.
 29 (B) Creel Limit. The daily creel limit is four trout.
 30 (C) Size Limit. The minimum size limit is seven inches.
 31 (D) Manner of Taking. Only artificial lures having only one single hook may be used. No
 32 person shall possess natural bait while fishing wild trout waters except those waters listed
 33 in 15A NCAC 10C .0205(a)(6).
 34 (E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after
 35 sunset and one-half hour before sunrise.
 36

37 *History Note:* Authority G.S. 113-272; 113-292;
 38 Eff. February 1, 1976;
 39 Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;
 40 October 1, 1992;
 41 Temporary Amendment Eff. July 1, 1999;
 42 Amended Eff. July 1, 2000;
 43 Temporary Amendment Eff. July 1, 2001;
 44 Temporary Amendment Eff. July 1, 2002;
 45 Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);
 46 Temporary Amendment Eff. June 1, 2003;
 47 Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17
 48 2003);
 49 Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,
 50 2007; May 1, 2006; June 1, 2005.
 51

1 **15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

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

4	5	6	7	8
GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON	
Mountain Trout:				
Wild Trout Waters	4	7 in.	ALL YEAR (exc. (3))	
Hatchery Supported Trout Waters and undesignated waters	7 (exc. (3))	None (exc. (3))	All year, except March 1 to 7:00 a.m. on first Saturday in April (exc. (3))	
Muskellunge	1	42 in.	ALL YEAR	
Pickeral: Chain and Redfin	None	None	ALL YEAR	
Walleye	8 (exc. (9))	None (exc. (9))	ALL YEAR	
Sauger	8	15 in.	ALL YEAR	
Black Bass:				
Largemouth <u>Largemouth</u> , <u>Smallmouth</u> , and <u>Spotted Smallmouth</u> and <u>Spotted</u>	5 (exc. (21&26))	14 in. (excs. (8, 10&21, 10, 21&26))	ALL YEAR (exc. (17))	
Smallmouth and Spotted	5 (exc. (21))	12 in. (excs. (8, 10&21))	ALL YEAR	
Roanoke and Rock Bass	None (exc. (24))	None (exc. (24))	ALL YEAR	
White Bass	25	None	ALL YEAR	
Sea Trout (Spotted or Speckled)	10	14 in.	ALL YEAR	
Flounder	8	14 in.	ALL YEAR	
Red drum (channel bass, red fish, puppy drum)	1	18 in. (exc. (19))	ALL YEAR	
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1,2,5,6,11,&13)	16 in. (excs. 1,2,5,6,11&13)	ALL YEAR (excs. 6,13&15)	
Shad: (American and hickory)	10 aggregate (exc. (22))	None	ALL YEAR (exc. (18))	
Kokanee Salmon	7	None	ALL YEAR	
Crappie and sunfish	None (excs. 4,12&16)	None (exc. (12))	ALL YEAR (exc. (4))	
NONGAME FISHES	None (excs 14,20,23&25)	None (excs. 14,20,23&25)	ALL YEAR (exc. (7))	

49 (b) Exceptions

50 (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant
 51 Dam and in John H. Kerr Reservoir the creel limit on striped bass and Morone hybrids is two in
 52 the aggregate and the minimum size limit is 26 inches from October 1 through May 31. From
 53 June 1 through September 30 the daily creel limit on striped bass and Morone hybrids is four in
 54 aggregate with no minimum size limit.

55 (2) In Lake Rhodiss, Lake Hickory, and Lookout Shoals Reservoir, the creel limit on striped bass
 56 and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches. In the Cape

1 Fear River upstream of Buckhorn Dam and the Deep and Haw rivers to the first impoundment and
2 in B. Everett Jordan Reservoir, Lake Rhodhiss, Lake Hickory, and Lookout Shoals Reservoir, the
3 creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit
4 is 20 [24] inches. In Lake Gaston and Roanoke Rapids Reservoir the creel limit on striped bass
5 and Morone hybrids is four in aggregate with a minimum size limit of 20 inches from October 1
6 through May 31 and no minimum size limit from June 1 through September 30. In Lake Norman
7 the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit
8 of 16 inches from October 1 through May 31 and no minimum size limit from June 1 through
9 September 30.

10 (3) In designated public mountain trout waters the season for taking all species of fish is the same as
11 the trout fishing season. There is no closed season on taking trout from Linville River within
12 Linville Gorge Wilderness Area (including tributaries), Catawba River from Muddy Creek to the
13 City of Morganton water intake dam, and the impounded waters of power reservoirs and
14 municipally-owned water supply reservoirs open to the public for fishing.

15 (4) On Mattamuskeet Lake, special federal regulations apply.

16 (5) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending
17 upstream to the first impoundment of the main course of the river or its tributaries, and in all other
18 inland fishing waters east of Interstate 95, subject to the exceptions listed in this Paragraph, the
19 daily creel limit for striped bass and their hybrids is two fish in aggregate. The minimum length
20 limit is 18 inches and no striped bass or striped bass hybrids between the lengths of 22 inches and
21 27 inches may be possessed. In these waters, the season for taking and possessing striped bass is
22 closed from May 1 through September 30. In the inland fishing waters of the Cape Fear River and
23 its tributaries, the season for taking and possessing striped bass is closed year-round. In the Pee
24 Dee River and its tributaries from the South Carolina line upstream to Blewett Falls Dam, the
25 season for taking and possessing striped bass and their hybrids is open year-round, the daily creel
26 limit is three fish in aggregate and the minimum length limit is 18 inches.

27 (6) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the
28 Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and
29 Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and
30 their hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at
31 Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel
32 limit for striped bass and their hybrids is two fish in aggregate, the minimum size limit is 18
33 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit.
34 Only one fish larger than 27 inches may be retained in the daily creel limit.

35 (7) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.

36 (8) The maximum combined number of black bass of all species that may be retained per day is five
37 fish, no more than two of which may be smaller than the applicable minimum size limit. The
38 minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke
39 Marion in Moore County, Reedy Creek Park lakes in Mecklenburg County, Lake Rim in
40 Cumberland County, Lake Raleigh in Wake County, ~~Randleman Reservoir in Randolph and~~
41 ~~Guilford counties~~, Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of
42 Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream
43 of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw
44 River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek,
45 in all their tributaries, and in all other public fishing waters east of Interstate 95 (except Tar River
46 Reservoir in Nash County), South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee Dee
47 River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown
48 Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake. ~~In and west of Madison,~~
49 ~~Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the~~
50 ~~minimum size limit is 12 inches.~~ In Cane Creek Lake in Union County, and Buckhorn Reservoir
51 in Wilson and Nash counties the minimum size limit for largemouth bass is 16 inches, with no
52 exception. In Lake Phelps and Shearon Harris Reservoir no black bass between 16 and 20 inches
53 shall be possessed. In Lake Norman the minimum size limit for black bass is 14 inches. In
54 Randleman Reservoir only one largemouth bass greater than 20 inches may be possessed.

- 1 (9) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries,
2 and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge
3 above Lake James.
- 4 (10) The minimum size limit for all black bass, with no exception, is 18 inches in Lake Thom-A-Lex in
5 Davidson County.
- 6 (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions
7 (1) and (4), the daily creel limit of striped bass and their hybrids may include not more than two
8 fish of smaller size than the minimum size limit.
- 9 (12) A daily creel limit of 20 fish and a minimum size limit of 10 inches apply to crappie in B. Everett
10 Jordan Reservoir and in the Roanoke River and its tributaries downstream of Roanoke Rapids dam
11 and in the Cashie, Middle, and Eastmost rivers and their tributaries. A daily creel limit of 20 fish
12 and a minimum size limit of eight inches apply to crappie in the following waters: all public
13 waters west of Interstate 77, South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee
14 Dee River from Idols Dam to the South Carolina State line including High Rock Lake,
15 Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery, and Blewett Falls Lake, Lake Norman,
16 Lake Hyco, Lake Ramseur, Cane Creek Lake, Tar River downstream of Tar River Reservoir Dam,
17 Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep
18 River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake
19 Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and
20 in all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County,
21 Sutton Lake in New Hanover County, and Roanoke River and tributaries below Roanoke Rapids
22 dam, as listed above. In Buckhorn Reservoir in Wilson and Nash counties a daily creel limit of 20
23 fish applies to crappie.
- 24 (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan
25 River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the
26 Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and
27 creel limits are the same as those established by rules or proclamations of the Marine Fisheries
28 Commission in adjacent joint or coastal fishing waters.
- 29 (14) ~~Size and creel limits on regulated areas, including Community Fishing Areas, Public Fishing~~
30 ~~Areas, and other cooperatively managed public waters~~ In waters that are stocked and managed for
31 catfish and located on game lands, on other Commission-owned property, or on the property of a
32 cooperator, including waters within the Community Fishing Program, it is unlawful to take
33 channel, white, or blue catfish (forked tail catfish) by means other than hook and line; the daily
34 creel limit for forked tail catfish is six fish in aggregate. Waters to which this creel limit applies
35 shall be posted at each area, as specified in 15A NCAC 10E .0103.
- 36 (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for
37 striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to
38 violate the provisions of any proclamation issued under this authority.
- 39 (16) In Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Tar River
40 Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan
41 Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River
42 downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all
43 their tributaries, and in all other public fishing waters east of Interstate 95, except Tar River
44 Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of
45 which shall be redbreast sunfish.
- 46 (17) In Sutton Lake, no largemouth bass shall be possessed from December 1 through March 31.
- 47 (18) The season for taking American and hickory shad with bow nets is March 1 through April 30.
- 48 (19) No red drum greater than 27 inches in length may be possessed.
- 49 (20) No person shall take or possess herring (alewife and blueback) that are greater than six inches in
50 length from the inland fishing waters of coastal rivers and their tributaries including Roanoke
51 River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam,
52 Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee
53 Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek,
54 in all their tributaries, and in all other inland fishing waters east of Interstate 95.
- 55 (21) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County,
56 Virginia) no black bass between 14 and 20 inches in length shall be possessed and only one black

- 1 bass greater than 20 inches may be possessed in the daily creel limit. No minimum size limit
2 applies to black bass less than 14 inches in length in this section of New River.
- 3 (22) In the inland waters of Roanoke ~~River and its~~ River, Neuse River, and their tributaries, the daily
4 creel limit for American and hickory shad is 10 in aggregate, only one of which may be an
5 American shad. In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no
6 American shad may be possessed.
- 7 (23) In Lake Norman and Badin Lake the daily creel limit for blue catfish greater than 32 inches in
8 length is one fish.
- 9 (24) In all public fishing waters east of Interstate 77, the minimum length for Roanoke and rock bass is
10 8 inches and the daily creel limit is two fish in aggregate.
- 11 (25) In inland fishing waters the minimum length for gray trout (weakfish) is 12 inches and the daily
12 creel limit is one fish.
- 13 (26) In Lake Cammack in Alamance County and Lake Holt in Granville County the daily creel limit for
14 largemouth bass is 10 fish and no more than two fish greater than 14 inches may be possessed.
15

16 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*
17 *Eff. February 1, 1976;*
18 *Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1,*
19 *1990;*
20 *Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1,*
21 *1990;*
22 *Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;*
23 *Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;*
24 *Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent*
25 *rule becomes effective, whichever is sooner;*
26 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;*
27 *Temporary Amendment Eff. November 1, 1998;*
28 *Amended Eff. April 1, 1999;*
29 *Temporary Amendment Eff. July 1, 1999;*
30 *Amended Eff. July 1, 2000;*
31 *Temporary Amendment Eff. July 1, 2001;*
32 *Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent*
33 *amendment effective July 1, 2002 and approved by RRC in May 2001];*
34 *Amended Eff. August 1, 2002 (approved by RRC in April 2002);*
35 *Temporary Amendment Eff. June 1, 2003;*
36 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*
37 *17, 2003);*
38 *Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1,*
39 *2008; May 1, 2007; May 1, 2006; June 1, 2005.*
40

1 **15A NCAC 10C .0401 MANNER OF TAKING**
2 **NONGAME FISHES: PURCHASE AND SALE**

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

- 7 (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful
8 to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
9 (2) No person shall take or possess herring (alewife and blueback) that are greater than six inches in
10 length from the inland fishing waters of coastal rivers and their tributaries including Roanoke
11 River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam,
12 Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee
13 Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek,
14 and in all other inland fishing waters east of Interstate 95.
15 (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman,
16 Mountain Island Reservoir and Lake Wylie, [~~Lake Wylie and Lake Tillery,~~] except that one fish
17 per day may be taken by bow and arrow.
18 (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game
19 Land or in designated public mountain trout waters.
20 (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
21 (6) The minimum size limit for gray trout (weakfish) is 12 inches and the daily creel limit is one fish.
22 (b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout
23 waters is the same as the trout fishing season.
24 (c) Nongame fishes, except alewife and blueback herring, excluding those less than six inches in length collected
25 from Kerr Reservoir (Granville, Vance, and Warren counties), blue crab, and bowfin, taken by hook and line,
26 grabbling or by licensed special devices may be sold. Eels less than six inches in length may not be taken from
27 inland waters for any purpose.
28 (d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may only be taken from impounded
29 waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. It is
30 unlawful to possess more than 200 freshwater mussels.
31 ~~(e) Size and creel limits as set in this Rule on regulated areas, including Community Fishing Areas, Public Fishing~~
32 ~~Areas, and other cooperatively managed public waters~~In waters that are stocked and managed for catfish and
33 located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within
34 the Community Fishing Program, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means
35 other than hook and line; the daily creel limit for forked tail catfish is six fish in aggregate. Waters to which this
36 creel limit applies shall be posted at each area, as specified in 15A NCAC 10E .0103.
37 (f) In Lake Norman and Badin Lake, the daily creel limit for blue catfish greater than 32 inches is one fish.
38
39

40 *History Note: Authority G.S. 113-134; 113-272; 113-292;*
41 *Eff. February 1, 1976;*
42 *Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;*
43 *Temporary Amendment Eff. December 1, 1994;*
44 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;*
45 *Temporary Amendment Eff. July 1, 1999;*
46 *Amended Eff. July 1, 2000;*
47 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
48 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*
49 *Temporary Amendment Eff. June 1, 2003;*
50 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
51 *2003);*
52 *Amended Eff. August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*
53 *2007; May 1, 2006; June 1, 2005.*
54

1 **15A NCAC 10C .0404 SPECIAL DEVICE FISHING**

2 (a) Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow as a licensed special
3 device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded
4 waters located on the Sandhills Game Land and designated public mountain trout waters. Unless specifically
5 prohibited, bow and arrow may be used in joint fishing waters. ~~It is unlawful to take fish with crossbow and arrow
6 in any inland fishing waters.~~

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

- 16 (1) owner's N.C. motor boat registration number;
- 17 (2) owner's U.S. vessel documentation name; or
- 18 (3) owner's last name and initials.

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

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

25 (d) Spears. Manually operated gigs or under-water spear or harpoon guns may be used under the special fishing
26 device license in the inland waters having a season for their use specified in Rule .0407 of this Section.

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

30 (f) Eel pots. It is unlawful to use pots with mesh sizes smaller than one inch by one-half inch unless such pots
31 contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located in
32 the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots. Each pot must
33 be marked by attaching a floating buoy which shall be of solid foam or other solid buoyant material and no less than
34 five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner
35 shall be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the
36 buoy. Such identification shall include one of the following:

- 37 (1) owner's N.C. motorboat registration number;
- 38 (2) owner's U.S. vessel documentation name; or
- 39 (3) owner's last name and initials.

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

44
45 *History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;*
46 *Eff. February 1, 1976;*
47 *Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1,*
48 *1993;*
49 *Temporary Amendment Effective July 1, 2001;*
50 *Amended Eff. August 1, 2012; May 1, 2008; May 1, 2007; August 1, 2004; July 18, 2002.*

1 **15A NCAC 10C .0503 DESCRIPTIVE BOUNDARIES**

2 The following waters have been designated as primary nursery areas:

- 3 (1) North River:
- 4 (a) Broad Creek - Camden County - Entire stream;
- 5 (b) Deep Creek - Currituck County - Entire stream;
- 6 (c) Lutz Creek - Currituck County - Entire stream.
- 7 (2) Alligator River:
- 8 (a) East Lake - Dare County - Inland waters portion;
- 9 (b) Little Alligator River - Tyrrell County - Entire stream.
- 10 (3) Currituck Sound:
- 11 (a) Martin Point Creek - Dare County - Entire stream (Jean Guite Creek);
- 12 (b) Tull Creek and Bay - Currituck County - Tull Bay to mouth of Northwest River; Tull
- 13 Creek from mouth upstream to SR 1222 bridge.
- 14 (4) Pamlico River:
- 15 (a) Duck Creek - Beaufort County - Entire stream;
- 16 (b) Bath Creek - Beaufort County - Entire stream;
- 17 (c) Mixons Creek - Beaufort County - Entire stream;
- 18 (d) Porter Creek - Beaufort County - Entire stream;
- 19 (e) Tooleys Creek - Beaufort County - Entire stream;
- 20 (f) Jacobs Creek - Beaufort County - Entire stream;
- 21 (g) Jacks Creek - Beaufort County - Entire stream;
- 22 (h) Bond Creek - Beaufort County - Entire stream;
- 23 (i) Muddy Creek - Beaufort County - Entire stream;
- 24 (j) Strawhorn Creek - Beaufort County - Entire stream;
- 25 (k) South Prong Wright Creek - Beaufort County - Entire stream;
- 26 (l) Jordan Creek - Beaufort County - Entire ~~stream.~~ stream;
- 27 (m) Eastham Creek - Pamlico County - Entire stream.
- 28 (5) Neuse River:
- 29 (a) Slocum Creek - Craven County - Entire stream;
- 30 (b) Hancock Creek - Craven County - Entire ~~stream.~~ stream;
- 31 ~~(c) Core Creek - Craven County - Entire stream;~~
- 32 ~~(d) Pinetree Creek - Craven County - Entire stream;~~
- 33 ~~(e) Green's Thorofare - Craven County - Entire stream;~~
- 34 ~~(f) Grinnel Creek - Pitt and Craven Counties - Entire stream;~~
- 35 ~~(g) Little Swift Creek - Craven County - Entire stream;~~
- 36 ~~(h) Turkey Quarter Creek - Craven County - Entire stream;~~
- 37 ~~(i) Village Creek - Craven County - Entire stream;~~
- 38 ~~(j) Taylor Creek - Craven County - Entire stream;~~
- 39 ~~(k) Unnamed Tributary (Kidney Creek) - Craven County - Entire stream (35° 18.014'N -~~
- 40 ~~77° 17.407'W);~~
- 41 ~~(l) Unnamed Tributary - Craven County - Entire Stream (35° 15.464'N - 77° 13.681'W);~~
- 42 ~~(m) Unnamed Tributary (The Gut) - Craven County - Entire stream (35° 11.219'N - 77°~~
- 43 ~~6.660'W).]~~
- 44 (6) New River:
- 45 (a) French Creek - Onslow County - Entire stream;
- 46 (b) New River - Onslow County - US Highway 17 bridge to NC 24/US 258 bridge.
- 47 (7) Roanoke River: Halifax and Northampton counties - US 258 bridge to Roanoke Rapids dam.
- 48 (8) Tar-Pamlico River: Nash, Edgecombe, Pitt and Beaufort counties - N&S railroad at Washington
- 49 upstream to Rocky Mount Mills Dam.
- 50 (9) Neuse River: Wake, Johnston, Wayne, Lenoir, Pitt and Craven counties - Pitchkettle Creek
- 51 upstream to Milburnie Dam.
- 52 (10) Cape Fear River: Chatham, Lee, Harnett, Cumberland and Bladen counties - Lock and Dam No. 1
- 53 upstream to Buckhorn Dam.
- 54 (11) Albemarle Sound: Peter Mashoes Creek - Dare County - Entire Stream.
- 55 (12) Croatan Sound: Spencer Creek - Dare County - Entire Stream.

- 1 (13) White Oak River: Onslow and Jones counties – Grants Creek upstream to Gibson Bridge Road
2 (SR 1118).
3 (14) Northeast Cape Fear River: Pender County – NC 210 bridge upstream to NC 53 bridge.
4 (a) Smith Creek – New Hanover County – Entire stream.
5
6 *History Note:* *Authority G.S. 113-132; 113-134;*
7 *Eff. August 1, 1990;*
8 *Amended Eff. August 1, 2012; May 1, 2008; November 1, 2007; August 1, 2004; July 1, 2000; July*
9 *1, 1993.*
10

1 **15A NCAC 10E .0104 USE OF AREAS REGULATED**

2 (a) No person shall leave any vehicle, boat trailer or other obstruction on any public fishing or boating access area
3 in such a location, position or condition that it will prevent or impede the use by other persons of any ramp or other
4 facility constructed for the purpose of launching or landing boats or fishing. No person shall leave parked any
5 vehicle, boat, boat trailer or other object at any place on any public fishing or boating access area other than on such
6 place or zone as is designated as an authorized parking zone and posted or marked as such.

7 (b) No person shall possess a loaded firearm on any public fishing or boating access ~~area~~ area, except that a
8 handgun may be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun
9 must adhere to the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed
10 handgun permit is not North Carolina. The permission to carry a handgun does not apply to access areas on the
11 following game lands: Bladen Lakes State Forest, Buckhorn, Butner-Falls of Neuse, Chatham, DuPont State Forest,
12 Harris, Hyco, Jordan, Kerr Scott, Lee, Mayo, Pee Dee River north of U.S 74, Sutton Lake, Vance and that portion of
13 R. Wayne Bailey- Caswell that is located north of U.S. 158 and east of N.C. 119. No person shall operate a vehicle
14 on any public fishing or boating access area in a manner so as to endanger life or property.

15 (c) No person, when using any public fishing or boating access area, shall deposit any debris or refuse anywhere on
16 the grounds of the area. No person, when using any public fishing or boating access area, shall do any act which is
17 prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this
18 Rule for the purpose of regulating the use of the area. At any time when all designated parking zones on any public
19 fishing or boating access area are fully occupied, any person may enter and use such facilities, provided such person
20 makes other arrangements for parking and violates none of the provisions of this Rule or the signs or markings made
21 or posted pursuant hereto.

22 (d) No person shall operate a motorboat in the public waters of North Carolina within 50 yards of a Commission-
23 owned or managed boat launching ramp at greater than "no wake" speed. For the purpose of this Rule, "no wake"
24 speed shall mean idling speed or a slow speed creating no appreciable wake.

25 (e) Except where facilities are provided, it is unlawful to use any boating access area for purposes other than the
26 launching of boats and parking vehicles and boat trailers. All other uses—including swimming, skiing, camping,
27 building fires, operating concessions or other activities not directly involved with launching of boats—are
28 prohibited, except that those activities including fish weigh-ins and for which a permit has been issued may be
29 conducted, provided that the permit authorizing such activity is available for inspection by wildlife enforcement
30 officers at the time the activity is taking place.

31 (f) Except where facilities are provided and approved uses are posted, it is unlawful to use any public fishing area
32 for purposes other than fishing. All prohibited uses and activities shall be posted including possession of loaded
33 ~~firearms, firearms~~ (except as allowed in Paragraph (b) of this Rule, swimming, launching or mooring jet skis or
34 boats, skiing, building fires, operating concessions, or other activities not directly associated with fishing.

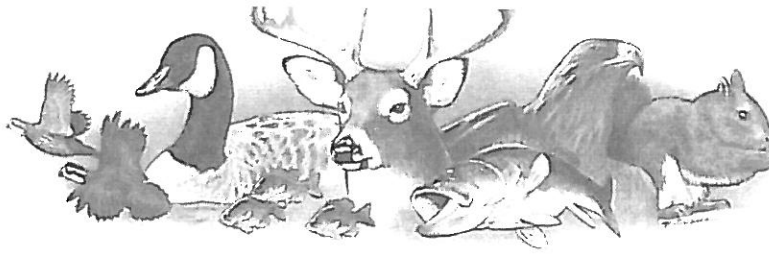
35 ~~(g) Size and creel regulations for game and nongame fishes that differ from the general statewide regulations shall~~
36 ~~be posted at public fishing areas, Community Fishing Program waters, and other cooperatively managed public~~
37 ~~waters.~~

38 ~~(h)~~(g) It is unlawful to feed or release animals or birds, domesticated animals and feral animals on public fishing or
39 boating access areas without prior written authorization of the Wildlife Resources Commission. For the purpose of
40 enforcing this Paragraph, "domesticated animals" does not include pets under the control of the owner and raptors or
41 hunting dogs where otherwise permitted for hunting or training purposes.

42
43 *History Note: Authority G.S. 113-134; 113-264; 75A-14;*
44 *Eff. February 1, 1976;*
45 *Amended Eff. August 1, 2012; August 1, 2010; May 1, 2009; July 1, 1995; February 1, 1994;*
46 *September 1, 1992; July 1, 1991.*
47

EXHIBIT D

November 10, 2011





North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

October 20, 2011

MEMORANDUM

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

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

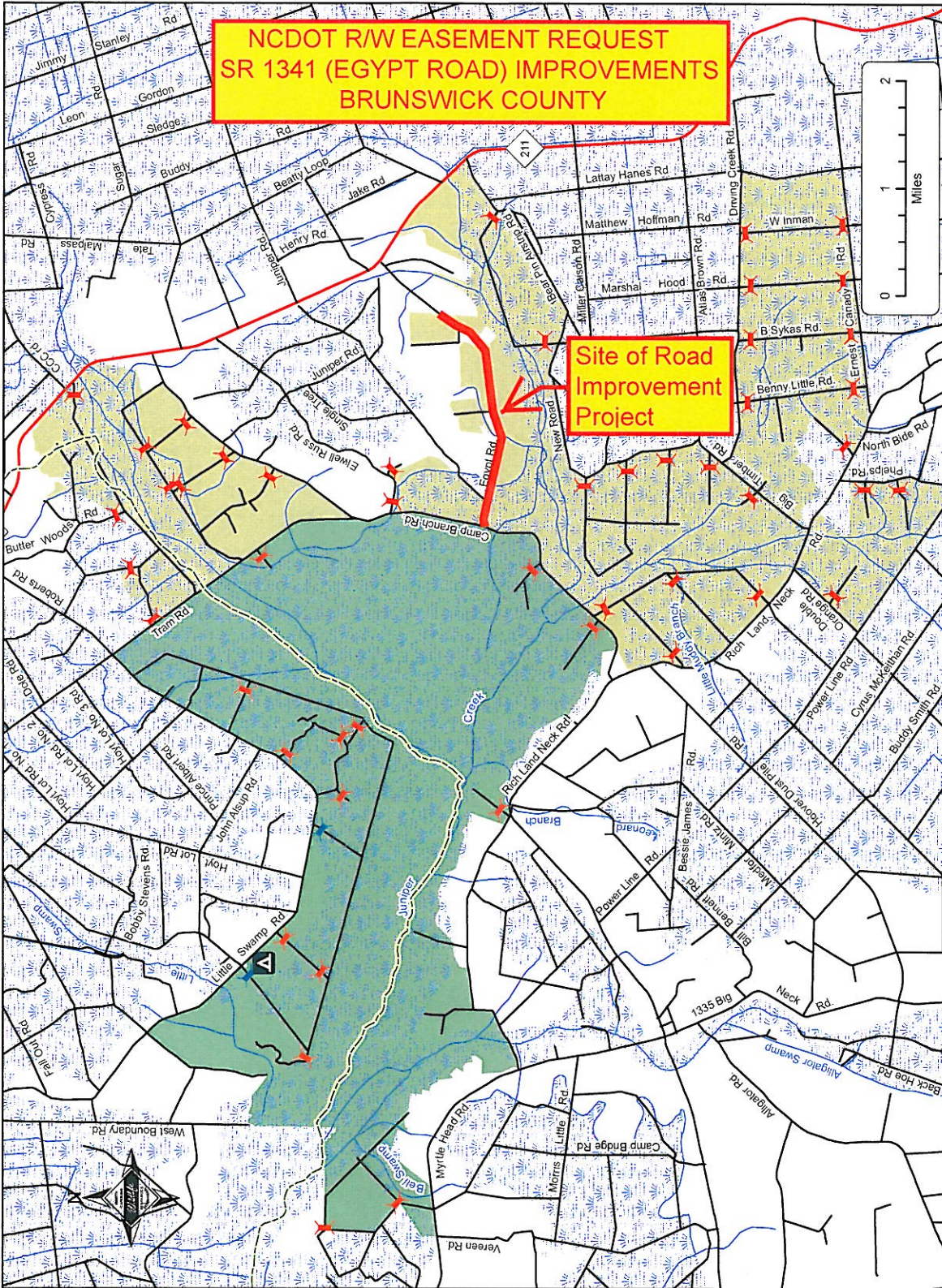
SUBJECT: NC Department of Transportation R/W Request
Egypt Road (SR 1341)
Juniper Creek Game Land; Brunswick County

Staff has investigated an easement request from NC Department of Transportation (DOT) for road improvement purposes on Juniper Creek Game Land in Brunswick County. Based on consultation with NC Natural Heritage Program (NHP) staff, the absence of significant negative impacts, and the potential benefits associated with access improvement, we recommend approval of this request.

Egypt Road (SR 1341) is a dirt base road which serves as a major point of access to Juniper Creek Game Land and is known to become nearly impassable during periods of wet weather. DOT is requesting 624 feet of 30 foot easement and 5,652 feet of 60 foot easement, for a total impact of approximately 8.2 acres. WRC will harvest all existing merchantable timber within the easement. Long-term loss relative to timber receipts is anticipated to be insignificant. Given that portions of Juniper Creek Game Land have been dedicated as North Carolina Nature Preserve, we have also consulted with the NHP and confirmed that this request is consistent with the Articles of Dedication.

We anticipate approval of this request, and subsequent improvements to Egypt Road, to positively impact the future management and public use of this game land.

JUNIPER CREEK GAME LAND
N.C. Wildlife Resources Commission,
Brunswick and Columbus Counties (18,624)



Memo

To: Isaac Harrold, Section Manager
From: Tommy Hughes, Eastern Region Supervising Wildlife Biologist
CC: Shughart, French
Date: 10/21/2011
Re: NCDOT Easement Request for SR 1341- Egypt Road, Brunswick County- Juniper Creek Game Land

As requested, I have conducted an investigation to assess game land impacts from the NCDOT easement request for Egypt Road in Brunswick County. During my investigation I have consulted with Ken Shughart, Wildlife Forest Manager and Ann Prince from the Natural Heritage Program.

Egypt Road is a dirt base road that lies in Brunswick County. The road is a connector between NC 211 and Camp Branch Road. The road base is composed of sandy soil and during wet weather becomes nearly impassible. Currently, from what the State Property Office can determine, NCDOT does not have a formal easement on the road. This action initiates their first phase towards improving the road. In order to schedule improvements, NCDOT must first obtain legal easements from adjacent property owners. The NCWRC owns a majority of the property (Juniper Creek Game Land) on both sides of the road.

Based upon my investigation and input from others, I do not think the 30' and 60' easement will have a significant negative impact on our game land. Improvements to the road will benefit hunters and other users, while potentially also having a positive effect on our ability to manage and market timber. Specifically, the proposed easement on the south side of Egypt Road will have minimal effects because there is an existing 30' power line ROW that parallels the road. This 30' ROW will remain in place through the road improvement process. On the north side of Egypt Road it will be necessary to clear the 30' width. Several pine plantations located on NCWRC property border the existing road. To create this easement, trees will need to be cut and removed; however we are currently working on a timber sale for that area and could expand our sale boundary to harvest the trees within the 30' easement. This would allow the NCWRC to capture receipts from the easement rather than having the trees cut and burned or attempting to get NCDOT to pay for the timber loss. The long-term loss of timber receipts from this small impacted area is expected to be negligible.

Since Juniper Creek Game Land was purchased using several trust fund grants and has gone through the Articles of Dedication process, I have also consulted with Ann Prince, NHP to obtain their opinion on the proposed action. Her comments are as follows:

The Articles of Dedication would support this request since the Roads language allows road maintenance within the easement right-of-way. In this case, there wasn't an actual easement in place, but we clearly wouldn't want to prevent standard road maintenance. See language below pertaining to Primary Areas and roads. I think the intent is to ensure that existing roads can be maintained (not widened). So, the new easement is compatible with the intent of the pertinent part of the dedication agreement.

"Roads and Trails: New roads shall not be constructed in the Primary Area (SPECIFIC EXCEPTIONS STATED HERE IF ABSOLUTELY NECESSARY). When necessary, the Custodian may construct and maintain access limited to staff use for management purposes, such as service paths (single lane vegetated paths) for patrol, right-of-way maintenance, and other management activities, within the Primary Area. Number and width of new paths will be minimized, and sensitive areas avoided when possible. Existing roads that occur within or form a boundary of the Primary Area may be maintained by grading of the roadbed,

replacing culverts, or adding stone as needed in order to maintain the integrity of the road for vehicular use. Daylighting of roads within the Primary Area should be minimized, but may be used if necessary to maintain the condition of the road. Access management and construction will be part of the overall management planning process and will include consultation with the North Carolina Natural Heritage Program.”

DOT should be encouraged to minimize impacts within that corridor, particularly in the vicinity of the Primary Area, but should be allowed to maintain and improve the existing road.

Based upon all information available, onsite investigation and anticipation of minor negative impacts, I do not object to NCDOT's easement request. NCDOT should use all reasonable precautions to minimize erosion and sedimentation on site and limit equipment within the easement during wet weather to prevent rutting.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

August 3, 2011

WBS ELEMENT 3C.010008
COUNTY: Brunswick
DESCRIPTION: Improvement of SR 1341 – Egypt Road

SUBJECT: Claim of Wildlife Resource Commission
Parcel 010 SR 1341 001

Mr. Tim Walton, Manager
State Property Office
Department of Administration
1321 Mail Service Center
Raleigh, NC 27699-1321

Dear Mr. Walton:

I am attaching in duplicate, PO-1 Forms covering the transfer of property from North Carolina Department of Wildlife Resource Commission, to the North Carolina Department of Transportation for right of way needed for the above mentioned project.

By copy of this letter, I am forwarding to the North Carolina Wildlife Resource Commission, a copy of our PO-1 form for their use in submitting PO-2 forms covering this transfer of the property for right of way.

In support of this request, I am attaching a copy of the right of way plans and copy of the description of the right of way easements. If further information is needed, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Betty C. Yancey".

Betty C. Yancey
Right of Way Agent II

bcy
Attachments
cc: Eric Ray

STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION

*ACQUISITION OF REAL PROPERTY

Institution or Agency: N.C. Dept. of Transportation

Date: August 3, 2011

The Department of Administration is requested, as provided by GS §146-22 et seq., to acquire the real property herein described by *purchase, lease, rental, or other (specify)*. Easement

This Property is needed for the following reasons and purposes: *(Attach additional pages if needed.)*

Improvement of SR 1341- Egypt Road

Name and Address of Present Owner: N.C. Wildlife Resources Commission
Attn: Mr. Wib Owens
1722 Mail Service Center
Raleigh, NC 27699-1722

Description of Property: *(Attach additional pages if needed.)*

See attached

Estimated value: n/a Rental price *(if applicable)*: N/A

Funds for the acquisition of this property are available in our budget under WBS #: 3C.010008

In the event the above described real property is not acquired, is there other real property available, owned by the State or otherwise, that you believe would, if acquired, fulfill the requirements of your agency? If so, give details.

N/A

(Complete if Agency has a Governing Board.)

Action recommending the above request was taken by the Governing Board of Transportation and is recorded in the minutes thereof.

Signature:



Title:

Virgil R. Pridemore, Manager
Right of Way Branch

*The term "real property" includes timber rights, mineral rights, etc. (GS §146-64)

Beginning at the point of intersection of the centerline of SR 1341 (Egypt Road) and the center line of SR 1340 (Camp Branch Road); thence running in a northeasterly direction along the center line of SR 1340 (Camp Branch Road) 30 feet to a point; thence running in a southeasterly direction along and with a line being located at all points 30 feet northeasterly of and normal to centerline line Survey Line SR 1341 (Egypt Road) to its point of intersection of a southeastern property line of the State of North Carolina, common property line with W. B.. Mintz, now or formerly; thence running in a southwesterly direction along said common property line to its point of intersection with the centerline of SR 1341 (Egypt Road); thence running in a southeasterly direction along and with the center line of SR 1341 (Egypt Road) to its intersection with an eastern property line of William Bryant Mintz, now or formerly, a common property line with the State of North Carolina, thence in a northerly direction along said common property line to a point located 30 feet northerly of and normal to survey line centerline SR 1341, (Egypt Road); thence in an easterly to northeasterly direction along a line that lies 30 feet northerly of and normal to survey line centerline SR 1341,(Egypt Road) to its point of intersection with an easterly property line of the State of North Carolina, a common property line with Evelyn P. Little, now or formerly, thence in a southeasterly direction along said common property line to its points of intersection with the survey centerline of SR 1341, (Egypt Road); thence running in a northeasterly direction along survey line centerline SR 1341, (Egypt Road) to its point of intersection with an eastern property line of Evelyn Little, now or formerly, a common property line with the state of North Carolina; thence in a northerly direction along said common property line to a point

located 30 feet northwesterly of and normal to survey line centerline SR 1341, (Egypt Road); thence in a northeasterly direction along a line lying at all points 30 feet northwesterly of and normal to survey line centerline SR 1341, (Egypt Road) to its point of intersection with a property line of the State of North Carolina, a common property line with Mack Little, now or formerly, said point being located 30 feet northwesterly of and normal to survey line centerline SR 1341, (Egypt Road); thence running in a southerly direction, along said common property line, crossing the survey line centerline to a point located 30 feet southeasterly of and normal to survey line centerline SR 1341, (Egypt Road); thence running along a line lying at all points 30 feet southerly of and normal to survey line centerline SR 1341, (Egypt Road) to a point of intersection with the center line of SR 1340 (Camp Branch Road); thence running in a northeasterly direction along said center line of SR 1340 (Camp Branch Road) to the point and place of beginning.

EXHIBIT E

November 10, 2011

PROPOSED CHANGES IN WILDLIFE MANAGEMENT REGULATIONS FOR 2012-2013

- H1) Increase the either-sex deer season from conservative to moderate in Polk County.
Adopt amendments to the following rule:
15A NCAC 10B .0203 Deer (White-tailed) (page 7)
- H2) Lengthen the bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Greene, Halifax, Lenoir, Martin, Northampton, and Pitt counties. Currently, Greene, Lenoir and Pitt counties are open for one week in November. This proposal adds two weeks in December to their season. Currently, Halifax, Martin and Northampton counties are open for one week in November and three days in December. This proposal would extend the December segment of the season from three days to two weeks. The proposed season for all six of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear (page 10)
- H3) Open a bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Edgecombe, Harnett, Johnston, Nash, Stokes, Vance, Warren, Wayne, and Wilson counties. In addition, change the bear season in Yadkin, Iredell, Alexander, and Catawba counties. The proposed season for all of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear (page 10)
- H4) Open the portions of Cleveland, Burke and Surry counties that are currently closed to bear hunting. The proposed season (hunting with dogs and still hunting, unless prohibited by local law) for these counties would be from the Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear (page 10)
- H5) Allow electronic calls for take of crows and coyotes.
Adopt amendments to the following rules:
15A NCAC 10B .0215 Crows (page 12)
15A NCAC 10B .0219 Coyote (page 13)

- H6) Add feral swine to the Commission’s hunting rules with no closed season and no bag limits.
Adopt the following rule:
 15A NCAC 10B .0223 (page 14)
- H7) Allow hunters to use dogs on Sundays on private lands in locations and during seasons where the use of dogs is currently allowed the other six days of the week in those counties or parts thereof which are west of the dog line. The practice is already allowed east of the dog line (except where prohibited by local law). Also, allow falconers to use dogs on private lands and on game lands on Sundays.
Adopt amendments to the following rule:
 15A NCAC 10B .0201 Prohibited taking and manner of take (page 15)
- H8) Allow individuals who possess a valid concealed handgun permit to carry that handgun concealed on wildlife conservation areas and game lands, except for these game lands for which the landowner has asked to be exempted: Buckhorn, Harris, Sutton Lake, Mayo, Hyco, Lee, Chatham, Pee Dee River north of U.S. 74, Butner-Falls, Jordan, Vance, Kerr Scott, Dupont, Bladen Lakes and that portion of R. Wayne Bailey-Caswell that is north of U.S. 158 and east of N.C. 119. Also, allow hunters who possess a valid concealed handgun permit to carry that handgun concealed while dog training and during the deer archery and muzzleloader seasons on both public and private lands.
Adopt amendments to the following rules:
 15A NCAC 10D .0102 General regulations regarding use (page 16)
 15A NCAC 10B .0203 Deer (White-tailed) (pages 7&8)
 15A NCAC 10J .0102 General regulation regarding use of conservation areas (page 21)
 15A NCAC 10B .0114 Dog training and field trials (page 23)
- H9) Allow individuals to use a .22 caliber rimfire pistol to dispatch a wounded deer during the deer archery and muzzleloader seasons on both public and private lands.
Adopt amendments to the following rules:
 15A NCAC 10B .0203 Deer (White-tailed) (pages 7&8)
 15A NCAC 10D .0102 General regulations regarding use (page 16)
 15A NCAC 10J .0102 General regulation regarding use of conservation areas (page 21)
- H10) Allow the Executive Director or his designee to waive the rule banning the importation of a cervid carcass or carcass part from any state where Chronic Wasting Disease (CWD) occurs for a deer or elk harvested within 20 miles of the North Carolina state line.
Adopt amendments to the following rule:
 15A NCAC 10A .1101 Waiver (page 25)
- H11) Clarify what wildlife resources and other materials may be possessed on or removed from Commission lands without any type of written permission or license and for which ones removal would require written permission.
Adopt amendments to the following rules:
 15A NCAC 10D .0102 General regulations regarding use (page 16)
 15A NCAC 10D .0103 Hunting on game lands (page 26)
 15A NCAC 10J .0102 General regulation regarding use of conservation areas (page 22)
Adopt the following rule:
 15A NCAC 10D .0105 Possession and removal of animals, plants and materials (pages 40&41)

- H12) Require a permit to enter Hunting Creek Swamp Waterfowl Refuge (HCSWR) in Davie County.
Adopt amendments to the following rules:
 15A NCAC 10D .0102 General regulations regarding use (page 18)
 15A NCAC 10D .0103 Hunting on game lands (page 38)
- H13) Increase fees for the use of the field trial facilities located on the Sandhills Game Land from the current \$25.00 to \$75.00 for use of the club house only and from \$100 to \$200 for the use of the club house and field trial grounds. Current cost estimates for operating the facility (not including staff time) in FY 2009-10 were \$14,025. Revenues generated by user fees during the same time period were \$9,000.
Adopt amendments to the following rule:
 15A NCAC 10D .0102 Hunting on game lands (page 17)
- H14) Allow additional archery and muzzleloader deer hunting on Sandhills Game Land by opening an archery season on the third Monday after Thanksgiving through January 1, except on the field trial grounds.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 35)
- H15) Increase the either-sex deer season on Butner-Falls of Neuse Game Land from the conservative to moderate.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 28)
- H16) Increase the either-sex deer season on Neuse River Game Land from moderate to maximum.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 33)
- H17) Open the bear season at Chowan Swamp Game Land on the first three hunting days during the November bear season and the first three days of the second week of the December bear season in order to be consistent with other game lands in District One.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 29)
- H18) Open the raccoon, opossum and bobcat hunting season in the Sherwood and Harmon Den Bear Sanctuaries in Haywood County.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 34)
- H19) Make waterfowl hunting from designated Disabled Sportsmen blinds on Catfish Lake Waterfowl Impoundment at the Croatan Game Land by permit only.
Adopt amendments to the following rule:
 15A NCAC 10D .0103 Hunting on game lands (page 29)
- H20) Remove text from the Commission's rule which references the disabled sportsman hunts on R. Wayne Bailey-Caswell, Dupont State Forest, Sandhills, Thurmond Chatham, and Toxaway game lands. Disabled sportsman hunts will continue to be offered through the

Permit Hunting Opportunities Program and in the *Permit Hunting Opportunities in North Carolina* guide.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands (pages 28-37)

H21) Prohibit hunting and taking fox squirrels on Rockfish Creek Game Land.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands (page 35)

H22) Establish captive cervid importation criteria for captive cervid licensees with Certified herds. All importation cervids would be prohibited from state/provinces/other countries with active Chronic Wasting Disease (CWD). Importation of white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of cervid in which the scientific community has documented naturally-occurring CWD will be allowed only from states/provinces/countries which have a license type, certification program or monitoring program that requires captive cervid facility owners to, at a minimum:

- submit for CWD testing all deceased animals over the age of 12 months;
- tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and
- keep records of all acquisitions and all dispositions in the facility.

These requirements apply only to white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of cervid in which the scientific community has documented naturally-occurring CWD. The herd of origin for the requested cervid must be successfully participating in the state program. Fallow deer, muntjac deer and other cervid species with no documented naturally-occurring CWD will be eligible for importation if they came from a fenced facility and have been isolated for the past 5 years from species of cervids in which the scientific community has documented naturally-occurring CWD. Animals from mixed herds of the two categories of cervids are subject to the same importation criteria as the species of cervid in which the scientific community has documented naturally-occurring CWD.

Adopt amendments to the following rules:

15A NCAC 10B .0101 Importation of wild animals and birds (page 42)

15A NCAC 10H .0304 Captive cervid herd certification program (page 43)

H23) Amend the waiver rule to allow Certified herd owners the ability to apply for an importation waiver for cervids that do not meet the proposed importation criteria, except from states with CWD in wild cervids.

Adopt amendments to the following rule:

15A NCAC 10A .1101 Waiver (page 24)

H24) Allow for the issuance of new captive cervid licenses with controls in place to prohibit using a secondary license to expand a facility. Require newly licensed facilities to have double-fencing. Allow transportation of cervids from N.C. Certified herds (5-year status) into these new facilities for the first six months after their construction.

Adopt amendments to the following rules:

15A NCAC 10H .0301 General requirements (pages 45,47,&49)

15A NCAC 10H .0302 Minimum standards (page 52)

- H25) Require people who possess permit to hold endangered or threatened species to maintain cages or facilities at the same standards as other captivity licensees.
Adopt amendments to the following rule:
 15A NCAC 10I .0102 Protection of endangered/threatened/special concern (page 57)
- H26) Require landowners who receive a depredation permit for Canada Geese that are causing damage to agricultural operations to report the number of geese taken.
Adopt amendments to the following rule:
 15A NCAC 10B .0106 Wildlife taken for depredations or accidentally (page 61)
- H27) Remove the extended season for take of squirrels by falconry.
Adopt amendments to the following rule:
 15A NCAC 10B .0216 Falconry (page 62)
- H28) Allow the practice of falconry on Sundays on Three Day Per Week game lands.
Adopt amendments to the following rule:
 15A NCAC 10D.0103 Hunting on Game Lands (page 26)
- H29) Amend 12 current rules pertaining to falconry, repeal one and adopt two additional rules in order for the Commission to fully regulate falconry in North Carolina in accordance with a directive from the U.S. Fish and Wildlife Service. Deadline for these changes is January 1, 2014.
Adopt amendments to the following rules:
 15A NCAC 10H .0801 Definitions
 15A NCAC 10H .0802 Permit and license requirements
 15A NCAC 10H .0803 Application for ~~permit~~ license
 15A NCAC 10H .0804 Examination
 15A NCAC 10H .0805 Duration of ~~permit~~ license
 15A NCAC 10H .0806 ~~Conditions of permit~~ Acquisition, sale and status change
 15A NCAC 10H .0807 ~~classes~~ Levels of permits licenses
 15A NCAC 10H .0808 Facilities and equipment
 15A NCAC 10H .0809 Marking
 15A NCAC 10H .0810 Taking raptors
 15A NCAC 10H .0811 Other restrictions and conditions
 15A NCAC 10H .0812 Interstate transportation
Repeal to following rule:
 15A NCAC 10H .0813 Raptor propagation permit
Adopt the following rules:
 15A NCAC 10H .0814 Release of raptors or moved to other permit
 15A NCAC 10H .0815 Other uses and allowed activities
 Falconry rules are on pages 63 to 79

1 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

2 (a) Open Seasons (All Lawful Weapons)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and the second Saturday in November for youth either-sex deer hunting by permit only
2 on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County
3 designated by agents of the Commission.

- 4 (D) The last open day of the Deer with Visible Antlers season described in Subparagraph
5 (a)(1) of this Rule in all of Buncombe, *Haywood, Henderson, Madison and
6 Transylvania counties** and the following parts of counties:

7 Avery: That part south of the Blue Ridge Parkway; and

8 Yancey: That part south of US 19 and US 19E.

9 *except for that part east of NC 191, south of the French Broad and Swannanoa Rivers,
10 west of US 25, and north of NC 280

11 **see 15A NCAC 10D .0103 for deer of either sex seasons on game lands that differ
12 from the days identified in this Subparagraph

- 13 (E) The last six open days of the Deer With Visible Antlers season described in
14 Subparagraph (a)(1) of this Rule in all of Burke, Caldwell, McDowell, Mitchell ~~Mitchell~~,
15 ~~Polk~~ and the following parts of counties:

16 Avery: That part north of the Blue Ridge Parkway;

17 Yancey: That part north of US 19 and US 19E.

- 18 (F) The first six open days and the last six open days of the Deer with Visible Antlers season
19 described in Subparagraph (a)(1) of this Rule in all of ~~Cleveland~~ Cleveland, Polk and
20 Rutherford counties.

- 21 (G) All the open days of the Deer With Visible Antlers season described in Subparagraph
22 (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln
23 and Gaston counties and in the following parts of counties:

24 Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers,
25 west of US 25, and north of NC 280; and

26 Henderson. That part east of NC 191 and north and west of NC 280.

27 (b) Open Seasons (Bow and Arrow)

- 28 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
29 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow
30 during the following seasons:

- 31 (A) Saturday on or nearest September 10 to the third Friday thereafter in the counties and
32 parts of counties having the open season for Deer With Visible Antlers specified by Part
33 (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and
34 Sandhills Game Lands.

- 35 (B) Saturday on or nearest September 10 to the third Friday before Thanksgiving in the
36 counties and parts of counties having the open seasons for Deer with Visible Antlers
37 specified by Part (B) of Subparagraph (b)(1) of this Rule except for that portion of
38 Buffalo Cove Game Land in Wilkes County.

- 39 (C) Monday on or nearest September 10 to the third Saturday thereafter, and Monday on or
40 nearest October 15 to the Saturday before Thanksgiving in the counties and parts of
41 counties having the open seasons for Deer With Visible Antlers specified by Part (C) of
42 Subparagraph (a)(1) of this Rule and in Cleveland and Rutherford counties.

- 43 (D) Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the
44 counties and parts of counties having the open season for Deer With Visible Antlers
45 specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Nicholson Creek,
46 Rockfish Creek and Sandhills Game Lands.

47 (2) Restrictions

- 48 (A) Dogs may not be used for hunting deer during the bow and arrow ~~season-season, except~~
49 a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S.
50 113-291.1(k).

- 51 (B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and
52 arrow deer hunting ~~season-season, except:~~

53 (i) if the firearm is a handgun carried by an individual with a valid concealed
54 handgun permit. The individual carrying a handgun must adhere to the
55 requirements set forth in North Carolina G.S. 14-415.11, even if the state
56 issuing the concealed handgun permit is not North Carolina; or

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

- 1 (i) if the firearm is a handgun carried by an individual with a valid concealed
2 handgun permit. The individual carrying a handgun must adhere to the
3 requirements set forth in North Carolina G.S. 14-415.11, even if the state
4 issuing the concealed handgun permit is not North Carolina; or
5 (ii) the firearm is a .22 caliber rimfire pistol carried for the purpose of dispatching a
6 wounded deer in accordance with G.S. 113-291.1(k).

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

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

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31 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2;*
32 *Eff. February 1, 1976;*
33 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
34 *1994; July 1, 1993;*
35 *Temporary Amendment Eff. July 1, 1999;*
36 *Amended Eff. July 1, 2000;*
37 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
38 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
39 *Temporary Amendment Eff. June 1, 2003;*
40 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*
41 *17, 2003);*
42 *Amended Eff. August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1,*
43 *2005.*
44 *Amended Eff. August 1, 2012*

1 **15A NCAC 10B .0202 BEAR**

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

- 3 (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after
4 Thanksgiving to January 1 in and west of Surry, Wilkes, Caldwell, Burke and Cleveland counties,
5 the boundary formed by I 77 from the Virginia State line to the intersection with I 40, continuing
6 along I 40 west until the intersection of NC 18 and NC 18 to the South Carolina State line.
7 ~~(2) Second Monday in November to the following Saturday and the third Monday after Thanksgiving~~
8 ~~to the following Wednesday in all of Halifax, Martin and Northampton counties.~~
9 ~~(3)(2) Second Monday in November to January 1 in all of Bladen, Carteret, Cumberland, Duplin, New~~
10 ~~Hanover, Onslow, Pamlico, Pender and Sampson counties.~~
11 ~~(4)(3) First Monday in December to the third Saturday thereafter in Brunswick and Columbus counties.~~
12 ~~(5)(4) Second Monday in November to the following Saturday and the third Monday after Thanksgiving~~
13 ~~to the fifth Saturday after Thanksgiving in all of Alexander, Beaufort, Camden, Catawba, Chowan,~~
14 ~~Craven, Dare, Edgecombe, Greene, Halifax, Harnett, Hyde, Iredell, Johnston, Jones, Lenoir,~~
15 ~~Martin, Nash, Northampton, Pasquotank, Pitt, Stokes, Tyrrell, Vance, Warren, and Washington~~
16 ~~Washington, Wayne, Wilson and Yadkin counties.~~
17 ~~(6)(5) Saturday preceding the second Monday in November to the following Saturday and the third~~
18 ~~Monday after Thanksgiving to the fifth Saturday after Thanksgiving in Bertie, Currituck, Gates,~~
19 ~~Hertford and Perquimans counties.~~
20 ~~(7) Second Monday in November to the following Saturday in Greene, Lenoir and Pitt counties.~~

21 (b) No Open Season. There is no open season in any area not included in Paragraph (a) of this Rule or in those
22 parts of counties included in the following posted bear sanctuaries:

- 23 Avery, Burke and Caldwell counties--Daniel Boone bear sanctuary except by permit only
24 Beaufort, Bertie and Washington counties--Bachelor Bay bear sanctuary
25 Beaufort and Pamlico counties--Gum Swamp bear sanctuary
26 Bladen County--Suggs Mill Pond bear sanctuary
27 Brunswick County--Green Swamp bear sanctuary
28 Buncombe, Haywood, Henderson and Transylvania counties--Pisgah bear sanctuary
29 Carteret, Craven and Jones counties--Croatan bear sanctuary
30 Clay County--Fires Creek bear sanctuary
31 Columbus County--Columbus County bear sanctuary
32 Currituck County--North River bear sanctuary
33 Dare County--Bombing Range bear sanctuary except by permit only
34 Haywood County--Harmon Den bear sanctuary
35 Haywood County--Sherwood bear sanctuary
36 Hyde County--Gull Rock bear sanctuary
37 Hyde County--Pungo River bear sanctuary
38 Jackson County--Panthertown-Bonas Defeat bear sanctuary
39 Macon County--Standing Indian bear sanctuary
40 Macon County--Wayah bear sanctuary
41 Madison County--Rich Mountain bear sanctuary
42 McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only
43 Mitchell and Yancey counties--Flat Top bear sanctuary
44 Wilkes County--Thurmond Chatham bear sanctuary

45 (c) Bag limits shall be:

- 46 (1) daily, one;
47 (2) possession, one;
48 (3) season, one.

49 (d) Kill Reports. The carcass of each bear shall be tagged and the kill reported as provided by 15A NCAC 10B
50 .0113.

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52 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.7; 113-305;*
53 *Eff. February 1, 1976;*
54 *Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;*
55 *Temporary Amendment Eff. July 1, 1999;*
56 *Amended Eff. July 1, 2000;*

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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, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1,
2005.
Amended Eff. August 1, 2012

1 **15A NCAC 10B .0215 CROWS**

2 (a) Open **Seasons seasons for crows are as follows:** Wednesday, Friday and Saturday of each week from the first
3 Wednesday in June to the last day of February and on the following holidays: July 4, Labor Day, Thanksgiving,
4 Christmas, New Years and Martin Luther King, Jr. days.

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

6 (b) ~~Bag Limits: No restriction. There are no bag limit restrictions on crows.~~

7 (c) Manner of Take. Hunters may use electronic calls.

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

10 *Eff. February 1, 1976;*

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

12 *July 1, 1983.*

13 *Amended Eff. January 1, 2012*

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1 **15A NCAC 10B .0219 COYOTE**

2 (a) ~~No~~ There is no closed season- season for taking coyotes by hunting.

3 (b) ~~Bag Limits: No restriction.~~ There are no bag limit restrictions on coyotes.

4 (c) Manner of Take. Hunters may use electronic calls.

5

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

7 *Eff. July 1, 1993.*

8 *Amended Eff. January 1, 2012*

1 **15A NCAC 10B .0223 FERAL SWINE**

2 (a) Open season. There is no closed season for taking feral swine by hunting.

3 (b) Bag limits. There are no bag limit restrictions.

4

5 *History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.2*

6 *Eff. January 1, 2012*

1 **15A NCAC 10B .0201 PROHIBITED TAKING AND MANNER OF TAKE**

2 (a) It is unlawful for any person to take, or have in possession, any wild animal or wild bird listed in this Section
3 except during the open seasons and in accordance with the limits herein prescribed, or as prescribed by 15A NCAC
4 10B .0300 pertaining to trapping or 15A NCAC 10D applicable to game lands managed by the Wildlife Resources
5 Commission, unless otherwise specifically permitted by law. Lawful seasons and bag limits for each species apply
6 beginning with the first day of the listed season and continue through the last day of the listed season, with all dates
7 being included. When any hunting season ends on a January 1 that falls on a Sunday, that season is extended to
8 Monday, January 2.

9 (b) On Sundays, hunting on private lands is allowed with the following restrictions:

- 10 (1) Only archery equipment as described in 15A NCAC 10B .0116, falconry, and dogs where and
11 when allowed the other days of the week ~~15A NCAC 10B .0116 and falconry~~ are lawful methods
12 of take; and
13 (2) Migratory game birds may not be taken on Sundays.

14 (c) On Sundays, hunting on public lands is allowed with the following restrictions:

- 15 (1) Only falconry and dogs used in conjunction with falconry ~~are is a lawful methods~~ method of take;
16 and
17 (2) Migratory game birds may not be taken on Sundays.

18 These restrictions do not apply to military installations under the exclusive jurisdiction of the federal government.

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

21 Note: Where local laws govern hunting, or are in conflict with these regulations, the local law shall prevail.

22
23 *History Note:* Authority G.S. 103-2; 113-291.1(a); 113-134; 113-291.2; 113-291.3;
24 Eff. February 1, 1976;
25 Amended Eff. July 10, 2010; July 1, 1996; July 1, 1987.
26 Amended Eff. August 1, 2012

1 **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

2 (a) Trespass. Entry on game lands for purposes other than hunting, trapping or fishing shall be as authorized by the
3 ~~landowner. Landowner and there shall be no removal of any plants or parts thereof, or other materials, without the~~
4 ~~written authorization of the landowner.~~—The Wildlife Resources Commission has identified the following areas on
5 game lands that have additional restrictions on entry or usage:

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

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

38 (c) Possession of Hunting Devices. ~~It is unlawful to possess a firearm or bow and arrow.~~ Firearms and archery
39 equipment may only be possessed on a game land ~~at any time except~~ during the open hunting seasons or hunting
40 days for game birds or game animals, other than ~~fox, fox or coyote,~~ except firearms and archery equipment may also
41 be possessed under the following conditions:

- 42 (1) ~~unless~~ the device is cased or not immediately available for use, or
- 43 (2) ~~provided that such devices may be possessed and~~ the device is used by persons participating in
44 field trials on field trial ~~areas~~ areas, or
- 45 (3) ~~and the device is used by persons on target shooting areas designated by the landowner, or~~
- 46 (4) ~~and the device is possessed in designated camping areas for defense of persons and property; or~~
- 47 (5) ~~and provided further that the device is a .22 caliber pistols-pistol with barrels-a barrel not greater~~
48 ~~than seven and one-half inches in length and shooting only short, long, or long rifle ammunition~~
49 ~~may be carried as a side arm arms~~ on game lands at any time other than by deer hunters during the
50 special bow and arrow and muzzle-loading firearms deer hunting ~~seasons~~ season, except under
51 conditions authorized in G.S. 113-291.1(k), and by individuals training dogs during closed season
52 ~~without field trial authorization.~~ authorization, or
- 53 (6) the device is a handgun carried by an individual with a valid concealed handgun permit. The
54 individual carrying a handgun must adhere to the requirements set forth in G.S. 14-415.11, even if
55 the state issuing the concealed handgun permit is not North Carolina. The permission to carry a
56 handgun does not apply on the following game lands: Bladen Lakes State Forest, Buckhorn,

1 Butner-Falls of Neuse, Chatham, DuPont State Forest, Harris, Hyco, Jordan, Kerr Scott, Lee,
2 Mayo, Pee Dee River north of U.S 74, Sutton Lake, Vance and that portion of R. Wayne Bailey-
3 Caswell that is located north of U.S. 158 and east of N.C. 119.

4 This ~~Rule Paragraph~~ does not prevent possession or use of a bow and arrow as a licensed special fishing device in
5 those waters where such use is authorized. Furthermore, only shotguns with any size ~~shot, shot and~~ archery
6 equipment as defined in ~~45A NCAC 10B .0116~~ 15A NCAC 10B .0116, and handguns carried by individuals with
7 valid concealed handgun permits may be possessed during the big game season for turkey. No person shall hunt with
8 or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl
9 impoundment on any game land, or while hunting waterfowl on Butner-Falls of Neuse Game Land or New Hope
10 Game Land, except shotgun shells containing lead buckshot may be used while deer hunting.

11 (d) Game Lands License: Hunting and Trapping

12 (1) Requirement. Except as provided in Subparagraph (2) of this Paragraph, any person entering upon
13 any game land for the purpose of hunting, trapping, or participating in dog training or field trial
14 activities shall have in his possession a game lands license in addition to the appropriate hunting
15 or trapping licenses. A field trial participant is defined as a Judge, Handler, Scout or Owner.

16 (2) Exceptions

17 (A) A person under 16 years of age may hunt on game lands on the license of his parent or
18 legal guardian.

19 (B) The resident and nonresident sportsman's licenses include game lands use privileges.

20 (C) Judges and nonresidents participating in field trials under the circumstances set forth in
21 Paragraph (e) of this Rule may do so without the game lands license.

22 (D) On the game lands described in Rule .0103(e)(1) of this Section, the game lands license is
23 required only for hunting doves; all other activities are subject to the control of the
24 landowners.

25 (e) Field Trials and Training Dogs. A person serving as judge of a field trial which, pursuant to a written request
26 from the sponsoring organization, has been authorized in writing and scheduled for occurrence on a game land by an
27 authorized representative of the Wildlife Resources Commission, and any nonresident Handler, Scout or Owner
28 participating therein may participate without procuring a game lands license, provided such nonresident has in his
29 possession a valid hunting license issued by the state of his residence. Any individual or organization sponsoring a
30 field trial on the Sandhills Field Trial grounds or the Laurinburg Fox Trial facility shall file with the commission's
31 agent an application to use the area and facility accompanied by the facility use fee computed at the rate of two
32 hundred dollars (\$200.00)~~one hundred dollars (\$100.00)~~ for each scheduled day of the trial. The total facility use
33 fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of
34 the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on
35 which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five
36 dollars (\$75.00)~~twenty five dollars (\$25.00)~~ per day shall be charged to sporting, educational, or scouting groups for
37 scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use
38 in any manner any of the physical facilities located on the Laurinburg Fox Trial or the Sandhills Field Trial grounds
39 without first having obtained written approval of such entry or use from an authorized agent of the Wildlife
40 Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond
41 the approval so obtained. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the
42 approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for
43 occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled
44 during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one
45 week upon reduction of the maximum number of days allowable during some other week so that the monthly
46 maximum of 16 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or
47 other organization desiring use of the Sandhills facilities between October 22 and November 18 and between
48 December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for
49 its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training
50 dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays and
51 Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1
52 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the
53 Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through
54 June 15 on any game land located east of I-95, except when participating in field trials sanctioned by the Wildlife
55 Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for
56 sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed

1 during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such
2 field trial does not conflict with other planned activities on the Game Land or field trial facilities and the applying
3 organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to
4 physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict
5 with other planned activities previously approved by the Commission and they do not conflict with the primary
6 goals of the agency.

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

- 9 (1) on the field trial course of the Sandhills Game Land;
- 10 (2) on the Harmon Den and Sherwood bear sanctuaries in Haywood County;
- 11 (3) in posted "safety zones" located on any game land;
- 12 (4) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south,
13 US 276 on the north and east, and NC 215 on the west;
- 14 ~~(5) on the Hunting Creek Swamp Waterfowl Refuge;~~
- 15 ~~(6)(5)~~ on the John's River Waterfowl Refuge in Burke County; and
- 16 ~~(7)(6)~~ on the Dupont State Forest Game Lands.

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

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

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

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

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

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

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

- 39 (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- 40 (2) paralysis of one or more limbs;
- 41 (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and
42 lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- 43 (4) disease or injury or defect confining the person to a wheelchair, walker, or crutches; or
- 44 (5) deafness.

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

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

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

55 (l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds,
56 domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes,

1 or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move
2 wild fish from one stream to another on game lands without prior written authorization. Written authorization shall
3 be given when release of such animals is determined by a North Carolina Wildlife Resources Commission biologist
4 not to be harmful to native wildlife in the area and such releases are in the public interest or advance the programs
5 and goals of the Wildlife Resources Commission.

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

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

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

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

36 (q) Shooting Ranges. On state-owned game lands, no person shall use designated shooting ranges for any purpose
37 other than for firearm or bow and arrow marksmanship, development of shooting skills or for other safe uses of
38 firearms and archery equipment. All other uses, including camping, building fires, operating concessions or other
39 activities not directly involved with recreational or competitive shooting are prohibited, except that activities which
40 have been approved by the Commission and for which a permit has been issued may be conducted, provided that the
41 permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is
42 taking place. No person, when using any shooting range, shall deposit any debris or refuse on the grounds of the
43 range. This includes any items used as targets, except that clay targets broken on the range, by the shooter, may be
44 left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of the range. No
45 person may leave any vehicle or other obstruction in such a location or position that it will prevent, impede or
46 inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle or other
47 object at any place on the shooting range other than such a place or zone as is designated as an authorized parking
48 zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting range in a
49 careless or reckless manner. No person shall intentionally shoot into any target holder, post or other permanent
50 fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause any
51 rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be
52 allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a shooting
53 range must obey posted range safety rules and those persons who violate range safety rules or create a public safety
54 hazard must leave the shooting range if directed to by law enforcement officers or Commission employees. No
55 person shall handle any firearms on a shooting range while under the influence of an impairing substance. The
56 consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Shooting ranges are open from

1 sunrise to sunset on Monday through Saturday. Firearms shall be unloaded and cased when being transported to the
2 shooting range while on Game Lands. No person, when using any shooting range, shall do any act which is
3 prohibited or neglect to do any act which is required by signs or markings placed on such area under authority of this
4 Rule for the purpose of regulating the use of the area.

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

8
9 *History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. July 1, 1993; April 1, 1992;*
12 *Temporary Amendment Eff. October 11, 1993;*
13 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*
14 *Temporary Amendment Eff. July 1, 1999;*
15 *Amended Eff. July 1, 2000;*
16 *Temporary Amendment Eff. August 31, 2001;*
17 *Amended Eff. August 1, 2002;*
18 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July*
19 *17, 2003);*
20 *Amended Eff. June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1,*
21 *2006; November 1, 2005.*
22 *Amended Eff. January 1, 2012*

1 **15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF CONSERVATION AREAS**

2 (a) Trespass. Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation,
3 hunting, trapping or fishing shall be as authorized by the ~~landowner~~ and there shall be no removal of any
4 ~~plants or parts thereof, or live or dead nongame wildlife species or parts thereof, or other materials, without the~~
5 ~~written authorization of the landowner.~~ On those areas designated and posted as Colonial Waterbird Nesting Areas,
6 entry is prohibited during the period of April 1 through August 31 of each year, except by written permission of the
7 landowner. Entry into Colonial Waterbird Nesting Areas during the period of September 1 through March 31 is as
8 authorized by the landowner.

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

13 (c) Possession of Hunting Devices ~~It is unlawful to possess a firearm or bow and arrow~~ Firearms and archery
14 equipment may only be possessed on a designated wildlife conservation area ~~at any time except during the open~~
15 ~~hunting seasons or hunting days for game birds or game animals thereon~~ except firearms and archery equipment
16 may also be possessed under the following conditions:

- 17 (1) ~~unless such the device is~~ cased or not immediately available for use, or
18 (2) ~~provided that such devices the device may be possessed in designated camping areas for defense~~
19 ~~of persons and property; property, or~~
20 (3) ~~and provided further that the device is a .22 caliber pistol pistols with a barrel barrels not greater~~
21 ~~than seven and one-half inches in length and shooting only short, long, or long rifle ammunition~~
22 ~~may be carried as a side arm arms on designated wildlife conservation areas at any time other than~~
23 ~~by deer hunters during the special bow and arrow and muzzle-loading firearms deer hunting~~
24 ~~seasons season, except under conditions authorized in G.S. 113-291.1(k), or~~
25 (4) the device is a handgun carried by an individual with a valid concealed handgun permit. The
26 individual carrying a handgun must adhere to the requirements set forth in North Carolina G.S.
27 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.

28 This Rule does not prevent possession or use of bow and arrow as a licensed special fishing device in those waters
29 where such use is authorized. During the closed firearms seasons on big game (deer, bear, boar, wild turkey), no
30 person shall possess a shotgun shell larger than No. 4 shot or any rifle or pistol larger than a .22 caliber rimfire while
31 on a designated wildlife conservation area except that shotgun shells containing any size steel or non-toxic shot may
32 be used while waterfowl hunting. No person shall hunt with or have in possession any shotgun shell containing lead
33 or toxic shot while hunting waterfowl on any area designated as a wildlife conservation area, except shotgun shells
34 containing lead buckshot may be used while deer hunting.

35 (d) License Requirements:

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

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

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

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

- 1 (g) Use of Weapons. No person shall hunt or discharge a firearm or bow and arrow from a vehicle, or within 200
2 yards of any building or designated camping areas, or within, into, or across a posted "safety zone" on any
3 designated wildlife conservation area. No person shall hunt with or discharge a firearm within, into, or across a
4 posted "restricted zone" on any designated wildlife conservation area.
- 5 (h) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular
6 traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.
- 7 (i) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by
8 the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed
9 except on those areas designated and posted as Colonial Waterbird Nesting Areas.
- 10 (j) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a
11 person may swim in waters adjacent to coastal island wildlife conservation areas.
- 12 (k) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters
13 located on designated wildlife conservation areas.
- 14 (l) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use
15 on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt
16 from this Rule but shall comply with permit conditions.
- 17 (m) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson
18 Cohen Wildlife Conservation Area.
- 19 (n) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where
20 otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written
21 authorization of the Wildlife Resources Commission.
- 22 (o) Possession and removal. No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts,
23 plants, plant materials, or other materials may be possessed on or removed from conservation areas without written
24 permission from the Commission. For purposes of this Rule, "other materials" includes the following: all metals,
25 minerals, rocks, soil, organic debris, buildings, fences, historic artifacts and water.

26
27 *History Note: Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 113-296;*
28 *113-297;*
29 *Eff. February 1, 1990;*
30 *Amended Eff. August 1, 2010; May 1, 2007; May 1, 2006; June 1, 2005.*
31 *Amended Eff. January 1, 2012*

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

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

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

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

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

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

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

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

39
40 *History Note: Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13;*
41 *Eff. February 1, 1976;*
42 *Amended Eff. May 1, 2006; July 1, 1995; July 1, 1994; July 1, 1991; May 1, 1990.*
43 *Amended Eff. January 1, 2012*

1 **15A NCAC 10A .1101 WAIVER**

2 (a) The executive director or his designee shall waive rule provisions listed in Paragraph (b) of this Rule and
3 subsequent Paragraphs under specified conditions and according to the following standards:

- 4 (1) The applicant has complied with the laws of North Carolina and with rules promulgated by the
5 Wildlife Resources ~~Commission~~; Commission relative to cervids;
6 (2) The Commission is able to safeguard the wildlife resources in North Carolina while granting the
7 waiver; and
8 (3) The applicant is able to meet the conditions of the waiver.

9 (b) The executive director or his designee shall waive the rule banning intrastate transfer of cervids and shall issue a
10 transportation permit to an applicant for such a waiver provided that:

- 11 (1) The executive director or his designee determines that the applicant is eligible for a waiver
12 according to standards listed in Paragraph (a) of this Rule;
13 (2) The eligible applicant shall first notify the Commission of the following:
14 (A) the tag number(s) assigned to the cervid;
15 (B) the facility of origination;
16 (C) the facility of destination;
17 (D) the date(s) upon which the transfer is to take place; and
18 (E) the means by which the cervid is to be transported; and
19 (3) The executive director or his designee confirms receipt of the information requested in
20 Subparagraph (b)(2) of this Rule.

21 Transportation of cervids between facilities that are licensed to the same individual shall be permitted upon the
22 condition that the licensed applicant log the information required by Subparagraph (b)(2) of this Rule rather than
23 submit a separate application for each transportation.

24 (c) The executive director or his designee shall waive the requirements in 15A NCAC 10B .0101 specific to the rule
25 ~~banning~~ importation of cervids and shall issue a transportation permit to an applicant for such a waiver provided
26 that:

- 27 (1) The executive director or his designee determines that the applicant is eligible for a waiver
28 according to standards listed in Paragraph (a) of this Rule;
29 (2) The applicant is a captive cervid licensee with a Certified herd according to 15A NCAC 10H
30 .0304;
31 (3) The source U.S. or Mexican state or territory, Canadian province or other country has not detected
32 CWD in its wild herd;
33 ~~(2)(4)~~ The herd of origin for all cervids the requested cervid to be imported has met the following
34 conditions:
35 (A) The herd has been held in a facility that has been secured by a fence adequate to contain
36 the cervid species within; fence that has not been breached or jumped by a cervid for at
37 least five years, and into which no cervid has been introduced for at least five years;
38 (B) All deceased animals over the age of 12 months of the following species have been
39 submitted for CWD testing: white-tailed deer, white-tailed deer hybrid, Sika deer, red
40 deer, elk, elk hybrid, moose or any other species of cervid in which the scientific
41 community has documented naturally-occurring Chronic Wasting Disease (CWD)
42 members of the herd that have died in the past five years have been tested for Chronic
43 Wasting Disease [CWD]; and all CWD test results have been negative, negative; and
44 ~~(C) Facility records demonstrating compliance with the conditions in this Subparagraph have~~
45 ~~been submitted with the import application.~~
46 (5) The applicant can provide documentation that:
47 (A) The requested cervid has not been in a facility with a CWD-positive animal within the
48 five years prior to the importation request;
49 (B) The requested cervid has never been in a facility quarantined for CWD; and
50 (C) No other animals in the herd of origin, or any other herd to which the requested cervid
51 has belonged, have been in a facility with a CWD-positive animal within the five years
52 prior to the importation request.
53 (6) The executive director is satisfied that all documentation described in Subparagraph (5) of this
54 Rule provided to him is authentic, accurate and complete.
55 ~~(3)(7)~~ The eligible applicant shall provide first notify the Commission of the following details: following:
56 (A) the tag number(s) or other identification assigned to the cervid; cervix;

- 1 (B) the age and species of the cervid;
- 2 (C) the state, province or country of origination;
- 3 ~~(B)(D)~~ the facility of origination;
- 4 ~~(C)(E)~~ the facility of destination;
- 5 ~~(D)(F)~~ the date(s) upon which the transfer is to take place; and
- 6 ~~(E)(G)~~ the means by which the cervid is to be ~~transported. transported; and~~

7 ~~(4)(8)~~ The executive director or his designee confirms receipt of all the information requested in
8 ~~Subparagraph (c)(3)-Paragraph (c)~~ of this Rule.

9 (d) The executive director or his designee shall waive the rule against cervid facility expansion and to amend a
10 license to permit expansion to an applicant for such a waiver provided that:

- 11 (1) The executive director or his designee confirms the applicant's eligibility for a waiver according to
12 standards listed in Paragraph (a) of this Rule;
- 13 (2) The eligible applicant shall first notify Commission of the following:
 - 14 (A) the location of the facility for which expansion is desired;
 - 15 (B) the number of cervids held at that facility;
 - 16 (C) the number of births or purchases of cervids expected within a year of the application;
 - 17 and
 - 18 (D) the proposed capacity for which expansion is desired; and
- 19 (3) The executive director or his designee confirms receipt of the information requested in Paragraphs
20 (c) and (d) of this Rule.

21 (e) The executive director or his designee shall waive the rule banning the importation of a cervid carcass or carcass
22 part from any state or province where Chronic Wasting Disease occurs and issue a waiver letter to an applicant
23 provided that:

- 24 (1) The executive director or his designee determines that the applicant is eligible for a waiver
25 according to standards listed in Paragraph (a) of this Rule;
- 26 (2) The applicant has complied with the laws of state where the cervid was or will be harvested; and
- 27 (3) The cervid was or will be harvested within 20 miles of the North Carolina state line.

28
29 *History Note:* Authority G.S. 113-134; 113-274; 150B-19(6);
30 Temporary Adoption Eff. May 21, 2003;
31 Temporary Adoption Expired March 12, 2004;
32 Eff. November 1, 2004;
33 Amended Eff. August 1, 2006.
34 Amended Eff. January 1, 2012

1 **15A NCAC 10D .0103 HUNTING ON GAME LANDS**

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

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

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

10 (d) Time and Manner of Taking. Except where closed to hunting or limited to specific dates by this Chapter,
11 hunting on game lands is permitted during the open season for the game or furbearing species being hunted. On
12 managed waterfowl impoundments, hunters shall not enter the posted impoundment areas earlier than 4:00 a.m. on
13 the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys shall not be set
14 out prior to 4:00 a.m. and must be removed by 3:00 p.m. each day. No person shall operate any vessel or vehicle
15 powered by an internal combustion engine on a managed waterfowl impoundment. On waterfowl impoundments
16 that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated
17 waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted
18 "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the
19 head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or
20 cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the
21 commission or its agent. A decision to grant or deny authorization shall be made based on the best management
22 practices for the wildlife species in question. No person shall take or attempt to take any game birds or game
23 animals attracted to such foods. ~~No live wild animals or wild birds shall be removed from any game land.~~

24 (e) Definitions:

- 25 (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be
26 taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving,
27 Christmas and New Year's Days within the federally-announced season.
- 28 (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any
29 game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,
30 Saturdays and Thanksgiving, Christmas and New Year's ~~Days.~~ Days, except falconry may also be
31 practiced on Sundays. These "open days" also apply to either-sex hunting seasons listed under
32 each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until
33 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- 34 (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any
35 game may be taken during the open seasons.

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

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

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

- 44 (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
- 45 (A) Six Days per Week Area
- 46 (B) Deer of either sex may be taken the first six open days and the last six open days of the
47 applicable Deer With Visible Antlers Season in that portion in Montgomery county and
48 deer of either sex may be taken all the open days of the applicable Deer With Visible
49 Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.
- 50 (2) Alligator River Game Land in Tyrrell County
- 51 (A) Six Day per Week Area
- 52 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
53 Antlers Season.
- 54 (C) Bear may only be taken the first three hunting days during the November Bear Season
55 and the first three hunting days during the second week of the December Bear Season.
- 56 (3) Angola Bay Game Land in Duplin and Pender counties

- 1 (A) Six Days per Week Area
2 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
3 Antlers Season.
4 (4) Bachelor Bay Game Land in Bertie, Martin and Washington counties
5 (A) Six Days per Week Area
6 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
7 Antlers Season.
8 (5) Bertie County Game Land in Bertie County
9 (A) Six Days per Week Area
10 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
11 Antlers Season.
12 (6) Bladen Lakes State Forest Game Land in Bladen County
13 (A) Three Days per Week Area
14 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
15 Antlers Season.
16 (C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22
17 caliber rimfire shall not be used or possessed.
18 (D) On the Singletary Lake Tract deer and bear may be taken only by still hunting.
19 (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
20 (F) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
21 areas both designated and posted as camping areas.
22 (7) Brinkleyville Game Land in Halifax County
23 (A) Six Days per Week Area
24 (B) Deer of either sex may be taken the first six open days and the last six open days of the
25 applicable deer with visible antlers season.
26 (C) Horseback riding is prohibited.
27 (8) Brunswick County Game Land in Brunswick County
28 (A) Hunting is by permit only.
29 (B) The use of dogs for hunting deer is prohibited.
30 (9) Buckhorn Game Land in Orange County
31 (A) Hunting is by permit only.
32 (B) Horseback riding is prohibited.
33 (10) Buckridge Game Land in Tyrrell County.
34 (A) Three Days per Week Area
35 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
36 Antlers Season.
37 (C) Bear may only be taken the first three hunting days during the November Bear Season
38 and the first three hunting days of the second week of the December Bear Season.
39 (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
40 (A) Six Days per Week Area
41 (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the
42 Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may
43 be taken with bow and arrow on open days beginning the Monday on or nearest
44 September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to
45 the Saturday before Thanksgiving and during the deer with visible antlers season. Deer
46 may be taken with muzzle-loading firearms on open days beginning the Monday on or
47 nearest October 1 through the Saturday of the second week thereafter, and during the
48 Deer With Visible Antlers season.
49 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
50 Antlers Season.
51 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and
52 all horseback riding is prohibited from September 1 through May 15.
53 (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
54 (A) Three Days per Week Area
55 (B) Deer of either sex may be taken the first six open days and the last six open days of the
56 applicable Deer With Visible Antlers Season.

- 1 (13) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
2 (A) Six Days per Week Area
3 (B) Deer of either sex may be taken the first six open days and the last six open days of the
4 applicable Deer With Visible Antlers Season.
5 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas, New
6 Year's and Martin Luther King, Jr. Days and on the opening and closing days of the
7 applicable waterfowl seasons. On the posted waterfowl impoundments a special permit
8 is required for all waterfowl hunting after November 1.
9 (D) Horseback riding is prohibited.
10 (E) Target shooting is prohibited
11 (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
12 (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of
13 Falls Lake.
14 (H) The use of bicycles is restricted to designated areas, except that this restriction does not
15 apply to hunters engaged in the act of hunting during the open days of the applicable
16 seasons for game birds and game animals.
17 (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are
18 limited to September 1 through the last day of February and April 7 through May 14.
19 (14) Buxton Woods Game Land in Dare County:
20 (A) Six Days per Week Area.
21 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
22 Antlers Season.
23 (15) Cape Fear River Wetlands Game Land in Pender County
24 (A) Six Days per Week Area
25 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
26 Antlers Season.
27 (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
28 (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west
29 of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road
30 and south of NC 210 to the Black River.
31 (16) Carteret County Game Land in Carteret County
32 (A) Six Days per Week Area
33 (B) Deer of either sex may be taken the first six open days and the last six open days of the
34 applicable Deer With Visible Antlers Season.
35 (C) The use of dogs for hunting deer is prohibited.
36 (17) R. Wayne Bailey-Caswell Game Land in Caswell County
37 (A) Three Days per Week Area
38 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
39 Visible Antlers Season. ~~Deer of either sex may also be taken the Thursday and Friday~~
40 ~~preceding the Central muzzle loading season with any legal weapon by participants in the~~
41 ~~Disabled Sportsman Program who acquire special hunt permits.~~
42 (C) Horseback riding is allowed only during June, July, and August and on Sundays during
43 the remainder of the year except during open turkey and deer seasons. Horseback riding
44 is allowed only on roads opened to vehicular traffic. Participants must obtain a game
45 lands license prior to engaging in such activity.
46 (D) The area encompassed by the following roads is permit-only for all quail and woodcock
47 hunting and all bird dog training: From Yanceyville south on NC 62 to the intersection
48 of SR 1746, west on SR1746 to the intersection of SR 1156, south on SR 1156 to the
49 intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC62 to
50 the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR
51 1730 to NC 86, north on NC 86 to NC 62.
52 (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after
53 November 1.
54 (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are
55 limited to September 1 through the last day of February and April 7 through May 14.
56 (18) Catawba Game Land in Catawba County

- 1 (A) Three Days per Week Area
2 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
3 Antlers Season.
4 (C) Deer may be taken with bow and arrow only from the tract known as Molly's Backbone.
5 (19) Chatham Game Land in Chatham County
6 (A) Six Days per Week Area
7 (B) Deer of either sex may be taken the first six open days and the last six open days of the
8 applicable Deer With Visible Antlers Season.
9 (C) Wild turkey hunting is by permit only.
10 (D) Horseback riding is allowed only during June, July, and August and on Sundays during
11 the remainder of the year except during open turkey and deer seasons.
12 (E) Target shooting is prohibited.
13 (20) Cherokee Game Land in Ashe County
14 (A) Six Days per Week Area
15 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
16 Visible Antlers Season.
17 (21) Chowan Game Land in Chowan County
18 (A) Six Days per Week Area
19 (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers
20 Season.
21 (22) Chowan Swamp Game Land in Bertie, Gates and Hertford counties.
22 (A) Six Days per Week Area
23 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
24 Antlers Season.
25 (C) Bear hunting is restricted to the first three hunting days during the November bear season
26 and the first three hunting days during the second week of the December bear season
27 except that portion of Chowan Swamp Game Land in Gates County that is east of
28 Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine
29 Creek and the Chowan River where the bear season is the same as the season dates for
30 the Gates County bear season.
31 (D) Camping is restricted to September 1 through the last day of February and April 7
32 through May 14 in areas both designated and posted as camping areas.
33 (23) Cold Mountain Game Land in Haywood County
34 (A) Six Days per Week Area
35 (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and
36 all horseback riding is prohibited from September 1 through May 15.
37 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
38 Antlers Season.
39 (24) Columbus County Game Land in Columbus County.
40 (A) Three Days per Week Area
41 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
42 Antlers Season.
43 (25) Croatan Game Land in Carteret, Craven and Jones counties
44 (A) Six Days per Week Area
45 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
46 Antlers Season.
47 (C) Waterfowl shall be taken only on the following days:
48 (i) the opening and closing days of the applicable waterfowl seasons;
49 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
50 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
51 (D) Beginning on the first open waterfowl day in October through the end of the waterfowl
52 season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish
53 Lake Waterfowl Impoundment is by permit only.
54 (D)(E) Dove hunting is by permit only for the first two open days of dove season on posted
55 areas. During the rest of dove season, no permit is required to hunt doves.
56 (26) Currituck Banks Game Land in Currituck County

- 1 (A) Six Days per Week Area
2 (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by
3 permit only from November 1 through the end of the waterfowl season.
4 (C) Licensed hunting guides may accompany the permitted individual or party provided the
5 guides do not possess or use a firearm.
6 (D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or
7 shoreline.
8 (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day
9 of their hunt.
10 (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand
11 or blind to a tree.
12 (G) Deer of either sex may be taken all the days of the applicable deer with visible antlers
13 season.
- 14 (27) Dare Game Land in Dare County
15 (A) Six Days per Week Area
16 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
17 Visible Antlers Season.
18 (C) No hunting on posted parts of bombing range.
19 (D) The use and training of dogs is prohibited from March 1 through June 30.
- 20 (28) Dover Bay Game Land in Craven County
21 (A) Six Days per Week Area
22 (B) Deer of either sex may be taken all the days of the applicable deer with visible antlers
23 season.
- 24 (29) Dupont State Forest Game Lands in Henderson and Transylvania counties
25 (A) Hunting is by Permit only.
26 (B) The training and use of dogs for hunting is prohibited except by special hunt permit
27 holders during scheduled permit hunts.
28 ~~(C) Participants of the Disabled Sportsman Program who acquire special hunt permits may~~
29 ~~take deer of either sex with any legal weapon on the Saturday prior to the first segment of~~
30 ~~the season described in 15A NCAC 10B .0203(b)(1)(B).~~
- 31 (30) Elk Knob Game Land in Watauga County
32 (A) Six Days per Week Area
33 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
34 Visible Antlers Season.
- 35 (31) Embro Game Land in Halifax and Warren counties
36 (A) Six Days per Week Area
37 (B) Deer of either sex may be taken the first six open days and the last six open days of the
38 applicable Deer With Visible Antlers Season.
39 (C) Horseback riding is prohibited.
- 40 (32) Goose Creek Game Land in Beaufort and Pamlico counties
41 (A) Six Days per Week Area
42 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
43 Antlers Season.
44 (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl
45 impoundments shall be taken only on the following days:
46 (i) the opening and closing days of the applicable waterfowl seasons;
47 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
48 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
49 (D) Beginning on the first open waterfowl season day in October and through the end of the
50 waterfowl season, waterfowl hunting is by permit only on the following waterfowl
51 impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith
52 Creek and Hobucken.
53 (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except
54 waterfowl hunting on designated waterfowl hunting days and trapping during the
55 trapping season, are restricted to the posted Scouting-only Zone during the period
56 November 1 through March 15.

- 1 (F) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
2 areas both designated and posted as camping areas.
- 3 (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 to
4 the end of February and April 1 to May 15 to individuals that possess a valid hunting
5 opportunity permit.
- 6 (33) Green River Game Land in Henderson, and Polk counties
- 7 (A) Six Days per Week Area
- 8 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
9 Antlers Season.
- 10 (C) Horseback riding is prohibited.
- 11 (34) Green Swamp Game Land in Brunswick County
- 12 (A) Six Days per Week Area
- 13 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
14 Antlers Season.
- 15 (35) Gull Rock Game Land in Hyde County
- 16 (A) Six Days per Week Area
- 17 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
18 Antlers Season.
- 19 (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
- 20 (i) the opening and closing days of the applicable waterfowl seasons; and
- 21 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- 22 (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- 23 (D) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
24 areas both designated and posted as camping areas.
- 25 (E) Bear may only be taken the first three hunting days during the November Bear Season
26 and the first three hunting days during the second week of the December Bear Season,
27 except for that portion designated as bear sanctuary.
- 28 (36) Harris Game Land in Chatham, Harnett and Wake counties
- 29 (A) Six Days per Week Area
- 30 (B) Deer of either sex may be taken the first six open days and the last six open days of the
31 applicable Deer With Visible Antlers Season.
- 32 (C) Waterfowl shall be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving,
33 Christmas and New Year's Days; and on the opening and closing days of the applicable
34 waterfowl seasons.
- 35 (D) The use or construction of permanent hunting blinds shall be prohibited.
- 36 (E) Wild turkey hunting is by permit only.
- 37 (F) Target shooting is prohibited.
- 38 (37) Holly Shelter Game Land in Pender County
- 39 (A) Three Days per Week Area.
- 40 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
41 Antlers Season.
- 42 (C) Waterfowl may be taken only on the following days:
- 43 (i) the opening and closing days of the applicable waterfowl seasons;
- 44 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
- 45 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- 46 (D) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
47 areas both designated and posted as camping areas.
- 48 (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east
49 of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and
50 bear hunting are permit only.
- 51 (F) The use of dogs for hunting deer and bear is prohibited on that portion of the game land
52 that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road,
53 north of Meeks Road extending west to Stag Park Road and east of Stag Park Road.
- 54 (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the
55 last day of February and April 1 to May 15 to individuals that possess valid hunting
56 opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.

- 1 (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on
2 and within 100 yards of trails designated for Disabled Sportsman Access.
- 3 (38) Hyco Game land in Person County
4 (A) Six Days per Week Area
5 (B) Deer of either sex may be taken the first six open days and the last six open days of the
6 applicable Deer With Visible Antlers Season.
7 (C) Target shooting is prohibited.
- 8 (39) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- 9 (40) Johns River Game Land in Burke County
10 (A) Hunting is by permit only.
11 (B) During permitted deer hunts deer of either-sex may be taken by permit holders.
12 (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31
13 except by lawful waterfowl hunting permit holders and only on those days written on the
14 permits.
15 (D) The use or construction of permanent hunting blinds is prohibited.
- 16 (41) Jordan Game Land in Chatham, Durham, Orange and Wake counties
17 (A) Six Days per Week Area
18 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
19 Antlers Season.
20 (C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving,
21 Christmas and New Year's Days; and on the opening and closing days of the applicable
22 waterfowl seasons.
23 (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail
24 and other areas posted for equestrian use. Unless otherwise posted, horseback riding is
25 permitted on posted portions of the American Tobacco Trail anytime the trail is open for
26 use. On all other trails posted for equestrian use, horseback riding is allowed only during
27 June, July and August, and on Sundays the remainder of the year except during open
28 turkey and deer seasons.
29 (E) Target shooting is prohibited.
30 (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
31 (G) The use of bicycles is restricted to designated areas, except that this restriction does not
32 apply to hunters engaged in the act of hunting during the open days of the applicable
33 seasons for game birds and game animals.
- 34 (42) Juniper Creek Game Land in Brunswick and Columbus counties
35 (A) Six Days per Week Area
36 (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers
37 Season
38 (C) Camping is restricted to September 1 through the last day of February and April 7
39 through May 14 in areas both designated and posted as camping areas.
- 40 (43) Kerr Scott Game Land in Wilkes County
41 (A) Six Days per Week Area
42 (B) Use of centerfire rifles is prohibited.
43 (C) Use of muzzleloaders, shotguns, or rifles for hunting deer during the applicable Deer
44 With Visible Antlers Season shall be prohibited.
45 (D) Tree stands shall not be left overnight and no screws, nails, or other objects penetrating
46 the bark shall be used to attach a tree stand or blind to a tree.
47 (E) Deer of either sex may be taken on all open days of the applicable deer with visible
48 antlers season.
49 (F) Hunting on posted waterfowl impoundments is by permit only.
50 (G) The use of firearms for hunting wild turkey is prohibited.
- 51 (44) Lantern Acres Game Land in Tyrrell and Washington counties
52 (A) Six Days per Week Area
53 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
54 Antlers Season.
55 (C) Wild turkey hunting is by permit only.
56 (D) The use of dogs for hunting deer on the Godley Tract is prohibited.

- 1 (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
2 (45) Lee Game Land in Lee County
3 (A) Six Days per Week Area
4 (B) Deer of either sex may be taken the first six open days and the last six open days of the
5 applicable Deer With Visible Antlers Season.
6 (C) Target shooting is prohibited.
7 (46) Light Ground Pocosin Game Land in Pamlico County
8 (A) Six Days per Week Area
9 (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible
10 Antlers Season.
11 (47) Linwood Game Land in Davidson County
12 (A) Six Days per Week Area
13 (B) Deer of either sex may be taken on all of the open days of the applicable Deer With
14 Visible Antlers Season.
15 (48) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
16 (A) Six Days per Week Area
17 (B) Deer of either sex may be taken the first six open days and the last six open days of the
18 applicable Deer With Visible Antlers Season.
19 (C) Horseback riding is prohibited.
20 (D) The use of dogs for hunting deer is prohibited.
21 (49) Mayo Game Land in Person County
22 (A) Six Days per Week Area
23 (B) Deer of either sex may be taken the first six open days and the last six open days of the
24 applicable Deer With Visible Antlers Season.
25 (C) Waterfowl shall be taken only on Tuesdays, Thursdays and Saturdays; Christmas and
26 New Year's Days, and on the opening and closing days of the applicable waterfowl
27 seasons.
28 (D) Target shooting is prohibited.
29 (50) Mitchell River Game Land in Surry County
30 (A) Three Days per Week Area
31 (B) Deer of either sex may be taken the last six days of the applicable Deer with Visible
32 Antlers Season.
33 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
34 all horseback riding is prohibited from September 1 through May 15.
35 (51) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania
36 counties
37 (A) Six Days per Week Area
38 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
39 Antlers Season in that portion located in Transylvania County.
40 (52) Needmore Game Land in Macon and Swain counties.
41 (A) Six Days per Week Area
42 (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and
43 all horseback riding is prohibited from September 1 through May 15.
44 (53) Neuse River Game Land in Craven County
45 (A) Six Days per Week Area
46 (B) Deer of either sex may be taken ~~all the first six open days and the last six open days of~~
47 the applicable Deer With Visible Antlers Season.
48 (54) New Lake Game Land in Hyde and Tyrrell counties
49 (A) Six Days per Week Area
50 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
51 Antlers Season.
52 (55) Nicholson Creek Game Land in Hoke County
53 (A) Three Days per Week Area
54 (B) Deer of either sex may be taken with bow and arrow on open hunting days from the
55 Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.

- 1 (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days
2 beginning the fourth Saturday before Thanksgiving through the Wednesday of the second
3 week thereafter.
- 4 (D) The Deer With Visible Antlers season consists of the open hunting days from the second
5 Saturday before Thanksgiving through the third Saturday after Thanksgiving.
- 6 (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible
7 Antlers Season.
- 8 (F) The use of dogs for hunting deer is prohibited.
- 9 (G) Wild turkey hunting is by permit only.
- 10 (H) On Lake Upchurch, the following activities are prohibited:
- 11 (i) No person shall operate any vessel or vehicle powered by an internal
12 combustion engine; and
- 13 (ii) Swimming.
- 14 (56) North River Game Land in Camden and Currituck counties
- 15 (A) Six Days per Week Area
- 16 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
17 Antlers Season.
- 18 (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or
19 shoreline.
- 20 (D) Hunting on the posted waterfowl impoundment is by permit only.
- 21 (57) Northwest River Marsh Game Land in Currituck County
- 22 (A) Six Days per Week Area
- 23 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
24 Antlers Season.
- 25 (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or
26 shoreline.
- 27 (58) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
- 28 (A) Six Days per Week Area
- 29 (B) Deer of either sex may be taken the first six open days and the last six open days of the
30 applicable Deer With Visible Antlers Season.
- 31 (D) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties
32 North of US-74.
- 33 (E) Target shooting is prohibited.
- 34 (59) Perkins Game Land in Davie County
- 35 (A) Three Days per Week Area
- 36 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
37 Antlers Season.
- 38 (60) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison,
39 McDowell, Mitchell, Transylvania, Watauga and Yancey counties
- 40 (A) Six Days per Week Area
- 41 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
42 Antlers Season.
- 43 ~~(C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting~~
44 ~~raccoon, opossum and wildcat.~~
- 45 ~~(D)~~(C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River
46 (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- 47 (61) Pond Mountain Game Land in Ashe County
- 48 (A) Six Days per Week Area
- 49 (B) Deer of either sex may be taken the last six open days of the applicable Deer with Visible
50 Antlers Season.
- 51 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
52 all horseback riding is prohibited from September 1 through May 15.
- 53 (D) Deer and bear hunting is by permit only.
- 54 (62) Pungo River Game Land in Hyde County
- 55 (A) Six Days per Week Area

- 1 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
2 Antlers Season.
- 3 (63) Rhodes Pond Game Land in Cumberland and Harnett counties
4 (A) Hunting is by permit only.
5 (B) Swimming is prohibited on the area.
- 6 (64) Roanoke River Wetlands in Bertie, Halifax, Martin and Northampton counties
7 (A) Hunting is by Permit only.
8 (B) Vehicles are prohibited on roads or trails except those operated on Commission business
9 or by permit holders.
10 (C) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
11 areas both designated and posted as camping areas, provided, however, that camping is
12 allowed at any time within 100 yards of the Roanoke River on the state-owned portion of
13 the game land.
- 14 (65) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- 15 (66) Robeson Game Land in Robeson County
16 (A) Three Days per Week Area
17 (B) Deer of either sex may be taken the first six open days and the last six open days of the
18 applicable Deer With Visible Antlers Season.
- 19 (67) Rockfish Creek Game Land in Hoke County
20 (A) Three Days per Week Area
21 (B) Deer of either sex may be taken with bow and arrow on open hunting days from the
22 Saturday on or nearest September 10 to the fourth Friday before Thanksgiving.
23 (C) Deer of either sex may be taken with muzzle-loading firearms on open hunting days
24 beginning the fourth Saturday before Thanksgiving through the Wednesday of the second
25 week thereafter.
26 (D) The Deer With Visible Antlers season consists of the open hunting days from the second
27 Saturday before Thanksgiving through the third Saturday after Thanksgiving.
28 (E) Deer of either sex may be taken the last open day of the applicable Deer With Visible
29 Antlers Season.
30 (F) The use of dogs for hunting deer is prohibited.
31 (G) Wild turkey hunting is by permit only.
32 (H) Taking fox squirrels is prohibited.
- 33 (68) Rocky Run Game Land in Onslow County: Hunting is by permit only.
- 34 (69) Sampson Game Land in Sampson County
35 (A) Three Days per Week Area
36 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
37 Antlers Season.
- 38 (70) Sandhills Game Land in Hoke, Moore, Richmond and Scotland counties
39 (A) Three Days per Week Area
40 (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the
41 second Saturday before Thanksgiving through the third Saturday after Thanksgiving
42 except on the field trial grounds where the gun season is open days from the second
43 Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may
44 be taken with bow and arrow on all open hunting days during the bow and arrow season,
45 ~~as well as during the regular gun season, the Deer with Visible antlers season, and from~~
46 the third Monday after Thanksgiving through January 1, except on the field trial grounds.
47 Deer may be taken with muzzle-loading firearms on open days beginning the fourth
48 Saturday before Thanksgiving through the Wednesday of the second week thereafter, ~~and~~
49 ~~during the Deer With Visible Antlers season-season, and from the third Monday after~~
50 Thanksgiving through January 1, except on the field trial grounds.
51 (C) Gun-either-sex Either-sex deer hunting during the Deer With Visible Antlers Season is
52 by permit only. ~~For participants in the Disabled Sportsman Program who acquire special~~
53 ~~hunt permits, either sex deer hunting with any legal weapon is permitted on all areas the~~
54 ~~Thursday and Friday prior to the muzzle-loading season described in the preceding~~
55 ~~paragraph.~~ Except for the deer, opossum, rabbit, raccoon and squirrel seasons indicated

- 1 for the field trial grounds in this Rule and Disabled Sportsman Program hunts, the field
2 trial grounds are closed to all hunting during the period October 22 to March 31.
- 3 (D) In addition to the regular hunting days, waterfowl may be taken on the opening and
4 closing days of the applicable waterfowl seasons
- 5 (E) Wild turkey hunting is by permit only.
- 6 (F) Dove hunting on the field trial grounds is prohibited from the third Sunday in September
7 through the remainder of the hunting season.
- 8 (G) Opossum, raccoon and squirrel (fox and gray) hunting on the field trial grounds is
9 allowed on open days from the second Monday before Thanksgiving through the
10 Saturday following Thanksgiving and rabbit season on the field trial grounds will be from
11 the Saturday preceding Thanksgiving through the Saturday following Thanksgiving.
- 12 (H) The following areas are permit-only for all quail and woodcock hunting and dog training
13 on birds: In Richmond County: that part east of US 1; In Scotland County: that part
14 west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north
15 of Scotland Lake Lane.
- 16 (I) Horseback riding on field trial grounds from October 22 through March 31 is prohibited
17 unless riding in authorized field trials.
- 18 (J) Camping and the presence of campers and tents in designated Hunter Camping Areas are
19 limited to September 1 through the last day of February and April 7 through May 14.
- 20 (71) Sandy Creek Game Land in Nash and Franklin Counties
- 21 (A) Six Days per Week Area
- 22 (B) Deer of either sex may be taken the first six open days and the last six open days of the
23 applicable Deer With Visible Antlers Season.
- 24 (C) Horseback riding is prohibited.
- 25 (D) The use of dogs for hunting deer is prohibited.
- 26 (72) Sandy Mush Game Land in Buncombe and Madison counties.
- 27 (A) Three Days per Week Area
- 28 (B) Deer of either sex may be taken the last open day of the applicable Deer with Visible
29 Antlers season.
- 30 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
31 all horseback riding is prohibited from September 1 through May 15.
- 32 (D) Dogs shall only be trained on Mondays, Wednesdays and Saturdays and only as allowed
33 in 15A NCAC 10D .0102(e).
- 34 (E) Dove hunting is by permit only from the opening day through the second Saturday of
35 dove season.
- 36 (73) Second Creek Game Land in Rowan County- hunting is by permit only.
- 37 (74) Shocco Creek Game Land in Franklin, Halifax, Nash and Warren counties
- 38 (A) Six Days per Week Area
- 39 (B) Deer of either sex may be taken the first six open days and the last six open days of the
40 applicable Deer With Visible Antlers Season.
- 41 (C) Horseback riding is prohibited.
- 42 (75) South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties
- 43 (A) Six Days per Week Area
- 44 (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the
45 Monday before Thanksgiving through the third Saturday after Thanksgiving. Deer may
46 be taken with bow and arrow on open days beginning the Monday on or nearest
47 September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to
48 the Saturday before Thanksgiving and during the Deer With Visible Antlers season. Deer
49 may be taken with muzzle-loading firearms on open days beginning the Monday on or
50 nearest October 1 through the Saturday of the second week thereafter, and during the
51 Deer With Visible Antlers season.
- 52 (C) Deer of either sex may be taken the last open day of the applicable Deer With Visible
53 Antlers Season.
- 54 (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and
55 all horseback riding is prohibited from September 1 through May 15.

- 1 (E) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford
2 counties is closed to all grouse, quail and woodcock hunting and all bird dog training.
3 (76) Stones Creek Game Land in Onslow County
4 (A) Six-Day per Week Area.
5 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
6 Antlers Season
7 (C) Swimming in all lakes is prohibited.
8 (D) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
9 (i) the opening and closing days of the applicable waterfowl seasons;
10 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
11 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
12 (77) Suggs Mill Pond Game Land in Bladen and Cumberland counties
13 (A) Hunting and trapping is by Permit only.
14 (B) Camping is restricted to September 1 through February 28 and April 7 through May 14 in
15 areas both designated and posted as camping areas.
16 (C) Entry is prohibited on scheduled hunt or trapping days except for:
17 (i) hunters or trappers holding special hunt or trapping permits; and
18 (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
19 (78) Sutton Lake Game Land in New Hanover and Brunswick counties
20 (A) Six Days per Week Area
21 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
22 Visible Antlers Season.
23 (C) Target shooting is prohibited.
24 (79) Tar River Game Land in Edgecombe County – hunting is by permit only.
25 (80) Three Top Mountain Game Land in Ashe County
26 (A) Six Days per Week Area
27 (B) Deer of either sex may be taken the last six open days of the applicable Deer With
28 Visible Antlers Season.
29 (C) Horseback riding is prohibited.
30 (81) Thurmond Chatham Game Land in Alleghany and Wilkes counties
31 (A) Six Days per Week Area
32 (B) Deer of either sex may be taken the first six open days and the last six open days of the
33 applicable Deer With Visible Antlers Season. ~~Participants of the Disabled Sportsman~~
34 ~~Program who acquire special hunt permits may also take either sex deer with bow and~~
35 ~~arrow on the Saturday prior to the season described in 15A NCAC 10B .0203(b)(1)(B).~~
36 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
37 all horseback riding is prohibited from September 1 through May 15. Participants must
38 obtain a game lands license prior to horseback riding on this area.
39 (D) The maximum period of consecutive overnight camping at any designated campground is
40 14 days within any 30 day period from May 1 through August 31. After 14 consecutive
41 days of camping all personal belongings must be removed from the game land.
42 (82) Tillery game Land in Halifax County
43 (A) Six Days per Week Area
44 (B) Deer of either sex may be taken the first six open days and the last six open days of the
45 applicable Deer With Visible Antlers Season.
46 (C) Horseback riding is prohibited.
47 (D) The use of dogs for hunting deer is prohibited.
48 (E) Wild turkey hunting is by permit only.
49 (83) Toxaway Game Land in Jackson and Transylvania counties
50 (A) Six Days per Week Area
51 (B) Deer of either sex may be taken the last open day of the applicable Deer With Visible
52 Antlers Season. ~~Participants of the Disabled Sportsman Program who acquire special~~
53 ~~hunt permits may take deer of either sex with any legal weapon on the Saturday prior to~~
54 ~~the first segment of the bow and arrow season described in 15A NCAC 10B~~
55 ~~.0203(b)(1)(B).~~

- 1 (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and
2 all horseback riding is prohibited from September 1 through May 15.
- 3 (84) Uwharrie Game Land in Davidson, Montgomery and Randolph counties
4 (A) Six Days per Week Area
5 (B) Deer of either sex may be taken the first six open days and the last open six days of the
6 applicable Deer With Visible Antlers Season.
- 7 (85) Vance Game Land in Vance County
8 (A) Six Days per Week Area
9 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
10 Antlers Season.
11 (C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the
12 Nutbush Peninsula tract.
- 13 (86) Van Swamp Game Land in Beaufort and Washington counties
14 (A) Six Days per Week Area
15 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
16 Antlers Season.
17 (C) Bear may only be taken the first three hunting days during the November Bear Season
18 and the first three hunting days during the second week of the December Bear Season.
- 19 (87) White Oak River Game Land in Onslow County
20 (A) Three Days per Week Area
21 (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible
22 Antlers Season.
23 (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl
24 impoundments shall be taken only on the following days:
25 (i) the opening and closing days of the applicable waterfowl seasons;
26 (ii) Thanksgiving, Christmas, New Year's and Martin Luther King, Jr. Days; and
27 (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
28 (D) Beginning on the first open waterfowl season day in October and through the end of the
29 waterfowl season, a permit is required for hunting posted waterfowl impoundments.
30 (E) The Huggins Tract and Morton Tracts have the following restrictions:
31 (i) Access on Hargett Avenue and Sloan Farm Road requires a valid Hunting
32 Opportunity Permit;
33 (ii) Hunting is by permit only; and
34 (iii) The use of dogs for hunting deer is prohibited.
- 35 (F) Wild turkey hunting is by permit only.
- 36 (88) Whitehall Plantation Game Land in Bladen County
37 (A) Hunting and trapping is by permit only
38 (B) Camping is restricted to September 1 through the last day of February and April 7
39 through May 14 in areas both designated and posted as camping areas.
- 40 (i) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed
41 applications must be received by the Commission not later than the first day of September next preceding the dates
42 of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt,
43 and are nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator
44 agent or by phone.
- 45 (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a
46 valid and current permit from the Wildlife Resources Commission:
47 Bertie, Halifax and Martin counties-Roanoke River Wetlands
48 Bertie County-Roanoke River National Wildlife Refuge
49 Bladen County—Suggs Mill Pond Game Lands
50 Burke County—John's River Waterfowl Refuge
51 Dare County-Dare Game Lands (Those parts of bombing range posted against hunting)
52 Dare County—Roanoke Sound Marshes Game Lands
53 ~~Davie Hunting Creek Swamp Waterfowl Refuge~~
54 Henderson and Transylvania counties—Dupont State Forest Game Lands
- 55 (k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the
56 Commission.

1 ~~(k)~~(l) Free-ranging swine may be taken by licensed hunters during the open season for any game animal using any
2 legal manner of take allowed during those seasons, except in Cherokee, Clay, Graham, Jackson, Macon, and Swain
3 counties. Dogs may not be used to hunt free-ranging swine except on game lands which allow the use of dogs for
4 hunting deer or bear and during the applicable deer or bear season.

5 ~~(j)~~(m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may
6 hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except
7 where specifically prohibited in Paragraph (h) of this Rule.

8 ~~(m)~~(n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for
9 participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during
10 the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited
11 weapon choice, the allowed weapons will be clearly stated on each permit.

12 ~~(n)~~(o) As used in this Rule, horseback riding includes all equine species.

13
14 *History Note:* Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305; 113-296;
15 Eff. February 1, 1976;
16 Temporary Amendment Eff. October 3, 1991;
17 Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995;
18 September 1, 1994; July 1, 1994;
19 Temporary Amendment Eff. October 1, 1999; July 1, 1999;
20 Amended Eff. July 1, 2000;
21 Temporary Amendment Eff. July 1, 2002; July 1, 2001;
22 Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);
23 Temporary Amendment Eff. June 1, 2003;
24 Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);
25 Amended Eff. August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; October
26 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1, 2004.
27 Amended Eff. August 1, 2012

1 **15A NCAC 10D .0105 POSSESSION AND REMOVAL OF ANIMALS, PLANTS AND MATERIALS**

2 (a) For purposes of this Rule, the following definitions apply:

- 3 (1) "Other materials" includes the following: all metals, minerals, rocks, soil, organic debris,
4 buildings, fences, historic artifacts and water.
- 5 (2) "Commission lands" includes all state-owned game lands, hatcheries, depots, refuges, boating
6 access areas and public fishing access areas, or parts thereof, allocated to the Wildlife Resources
7 Commission.
- 8 (3) "Written permission" includes permits, sales agreements, agricultural agreements, and letters
9 written by authorized Commission personnel. Written permissions shall specify the type of
10 activity allowed, the Commission land(s) where the activity may occur and the persons authorized.

11 (b) On Commission lands the following applies:

- 12 (1) No wildlife resources, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or
13 other materials may be possessed on or removed from Commission lands except:
14 (A) as allowed in this Rule;
15 (B) if written permission has been granted by the Wildlife Resources Commission.
16 This restriction applies to both dead and living wildlife resources, fungi, invertebrates, eggs,
17 animal parts, plants and plant materials.
- 18 (2) All game, fur-bearing animals, fisheries resources, and nongame animals or birds for which the
19 Commission has established an open season, legally taken under a valid hunting, trapping, fishing
20 or falconry license may be possessed on and removed from Commission lands unless specifically
21 prohibited.
- 22 (3) Berries, fruit, nuts, mushrooms, ramps and other plants or plant products suitable for human
23 consumption may be possessed on and removed from Commission lands without written
24 permission for personal consumption only, except any fungi, plant or part thereof on a state or
25 federal protected list may not be possessed on or removed from Commission lands without written
26 permission. All other fungi, plants and plant products which are not suitable for human
27 consumption may not be possessed on or removed from Commission lands except with written
28 permission. Crops or products thereof planted for the benefit of wildlife may not be removed
29 without written permission.
- 30 (4) Insects, worms or other invertebrates collected as fish bait may be possessed on and removed from
31 Commission lands without written permission for personal use only, except any species on a state
32 or federal protected list may not be collected and may not be removed from Commission lands.
33 Sale of these resources is prohibited.
- 34 (5) Miscellaneous amounts of animal parts, plant parts not removed from live plants, and other
35 materials may be possessed on and removed from Commission lands without written permission,
36 except in violation of state agency rules, general statutes or federal law. Collection of animal
37 parts, plant parts not removed from live plants, and other materials for commercial use or sale is
38 prohibited.
- 39 (6) Litter and road kill animals may be removed without written permission, except in violation of
40 15A NCAC 10B .0106.
- 41 (7) A collection license as described in 15A NCAC 10B .0119 does not qualify as written permission
42 to collect or remove any wildlife resources from Commission lands. Written permission must be
43 specific to the Commission land.

44 (c) On all other lands enrolled in the game land program the following apply:

- 45 (1) All game, fur-bearing animals, fisheries resources, and nongame animals or birds for which the
46 Commission has established an open season, legally taken under a valid hunting, trapping, fishing
47 or falconry license may be possessed on and removed from game lands unless specifically
48 prohibited.
- 49 (2) Possession and removal of all other wildlife resources, fungi, invertebrates, eggs, nests, animals
50 parts, plants, plant materials, or other materials is subject to the rules of the Commission and is at
51 the discretion of the landowner, except where the landowner has ceded authority to the
52 Commission. When the landowner has ceded authority to the Commission, the permissions and
53 restrictions in Paragraph (b) of this Rule apply.

54 (d) Any individual who has written permission, or a hunting, trapping, fishing or falconry license required in order
55 to possess or remove wildlife resources, fungi, invertebrates, eggs, nests, animals parts, plants, plant materials, or
56 other materials from Commission lands and all other lands enrolled in the game land program must have that written

1 permission or license on his person. This requirement extends to any individual operating in conjunction with
2 another's written permission.

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4 *History Note: Authority G.S. 113-134; 113-264; 113-291; 113-291.2; 113-305; 113-333*
5 *Eff. August 1, 2012.*

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

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

6 (b) Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a
7 herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years. ~~years and has been~~
8 ~~managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and~~
9 ~~15A NCAC 10H .0302. There shall be no importation of any cervid from individual U.S. or Mexican states or~~
10 ~~territories, Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive~~
11 ~~herd.~~

12 (c) Importation permits for white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose
13 or any other species of cervid in which the scientific community has documented naturally-occurring CWD will
14 only be issued for animals that come from The individual U.S. or Mexican states or territories, state or territory,
15 Canadian provinces ~~province~~ or other countries ~~country~~ of origin which have a license type, certification program or
16 monitoring program that requires captive cervid facility owners to, at a minimum,:

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

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

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

20 The requirements specified in Subparagraphs (1), (2) and (3) of this Paragraph apply only to the following species of
21 cervid: white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species
22 of cervid in which the scientific community has documented naturally-occurring CWD. ~~must have CWD monitoring~~
23 requirements that are at least as stringent as those described in this Rule, 15A NCAC 10H .0301 and 15A NCAC
24 10H .0302. The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's
25 CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of
26 Agriculture and Consumer Services ~~personnel~~ before approval of any importation of cervids into North Carolina.
27 Importation permit applications must indicate the source herd and the source herd must be successfully participating
28 in a certification program or monitoring program with the requirements listed in this paragraph, or else have a
29 license type that does the same. ~~There shall be no importation from individual U.S. or Mexican states or territories,~~
30 ~~Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

31 (d) Importation permits for cervid species not specified in Paragraph (c) of this Rule, except mule deer (G.S. 113-
32 294(p)), will only be issued for animals which have been kept in a fenced facility which has not contained any of the
33 species specified in Paragraph (c) of this Rule for at least five years prior to importation. All animals from mixed
34 herds are subject to the restrictions in Paragraph (c) of this Rule.

35 ~~(e)~~(e) Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife
36 Resources Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.
37 ~~(f)~~(f) Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under
38 the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source
39 birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards
40 within 30 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for
41 inspection by authorized Commission personnel upon request.

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43 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*
44 *Eff. February 1, 1976;*
45 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*
46 *Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*
47 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM**

2 (a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to
3 prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread
4 of CWD while allowing transportation of cervids from herds in which CWD has not been detected for at least five
5 years, in accordance with the requirements in this Section. Only licensees with Certified Herds as defined in
6 Paragraph (e) of this Rule may request to expand their pen size to accommodate additional cervids and transport
7 cervids within North Carolina for purposes other than those specified in 15A NCAC10H .0301(f)(4). Licensees
8 with Certified Herds may also import cervids under the conditions and restrictions set forth in 15A NCAC 10B
9 .0101. Licensees with Certified Herds are also eligible to apply for an importation waiver as described in 15A
10 NCAC 10A .1101, if necessary, from a herd in which CWD has not been detected for at least five years and has
11 been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301
12 and 15A NCAC 10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country
13 of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section.
14 The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD
15 monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture
16 and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be
17 no importation from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which
18 CWD has been detected, either in a wild or captive herd.

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

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

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

32 (d) Enrollment dates. The enrollment date is:

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

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

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

50 (f) Herd status

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

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

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

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

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15 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;*
16 *Eff. May 1, 2010.*
17 *Amended Eff. January 1, 2012*

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

2 (a) Captivity Permit or License Required

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

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

28 (c) Captivity License.

- 29 (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that
30 are unfit for release. For purposes of this Rule, wild animals are considered "unfit" if they are
31 incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat
32 or to other species in that habitat; or if they have been rendered tame by proximity to humans to
33 the extent that they cannot feed or care for themselves without human assistance. Persons
34 interested in obtaining a captivity license shall contact the Commission for an application.
- 35 (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be
36 issued include the following:
- 37 (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
- 38 (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this
39 Rule, the term "pet" means an animal kept for amusement or companionship. The term
40 shall not be construed to include cervids held in captivity for breeding for sale to another
41 licensed operator.
- 42 (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
- 43 (D) For the purpose of holding wild turkey or black bear.
- 44 ~~(E) For the purpose of holding deer, elk or any other member of the family Cervidae, except~~
45 ~~current licenses which may be renewed as specified in Subparagraph (6) of this~~
46 ~~Paragraph.~~
- 47 (E) For the purposes of expanding a currently existing captive cervid facility which is not a
48 Certified herd facility as described in Rule .0304 of this Section.
- 49 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or
50 acquired a facility for keeping the animal or bird in captivity that complies with the standards set
51 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on
52 inspection by a representative of the Commission.
- 53 (4) Term of License
- 54 (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered
55 incapable of subsisting in the wild, the license authorizing its retention in captivity shall
56 be an annual license terminating on December 31 of the year for which issued.

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

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

- 1 (ii) A single bangle ear tag provided by the Commission shall be permanently
2 affixed by the licensee onto the right or left ear of each cervid except Muntjac
3 deer, provided that the ear bearing the bangle tag does not also bear the button
4 tag, so that each ear of the cervid bears only one tag. Muntjac deer are not
5 required to be tagged with the bangle tag.
6 (iii) Once a tag is affixed in the manner required by this Rule, it shall not be
7 removed.
- 8 (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall
9 submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae
10 Tagging Reports for calves and fawns shall be submitted by March 1 following the
11 birthing season each year. A Cervidae Tagging Report shall provide the following
12 information and be accompanied by a statement and licensee's signature verifying that the
13 information is accurate:
14 (i) Licensee name, mailing address, and telephone number;
15 (ii) Facility name and site address, including the County in which the site is located;
16 (iii) Captivity license number;
17 (iv) Species and sex of each cervid;
18 (v) Tag number(s) for each cervid; and
19 (vi) Birth year of each cervid.
- 20 (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and
21 shall extend the time within which a licensee shall tag cervids consistent with time
22 required to issue a replacement.
23 (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee
24 and application shall be made for a replacement upon discovery of the loss.
25 Application for a replacement shall include the information required by Part
26 (c)(5)(I) of this Rule along with a statement and applicant's signature verifying
27 that the information is accurate. Lost tags shall be replaced on the animal by the
28 licensee within 30 days of receipt of the replacement tag.
29 (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or
30 that cannot be read because of malformation or damage to the tags or
31 obscurement of the tag numbers shall be returned to the Commission along with
32 an application for a replacement tag with a statement and applicant's signature
33 verifying that the information in the application is accurate.
- 34 (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids
35 at existing facilities shall be renewed as long as the applicant for renewal has live cervids and
36 continues to meet the requirements of this Section for the license. Only licensees with Certified
37 Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand
38 pen size or the number of pens on the licensed facility to increase the holding capacity of that
39 facility. No renewals shall be issued for a license that has been allowed to lapse due to the
40 negligence of the former licensee.
- 41 (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall
42 only be issued to an individual who is 18 years of age or older. If the licensee of an existing
43 facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally
44 incompetent, or dies, a person who has obtained lawful possession of the facility from the previous
45 licensee or that licensee's estate, may request that the existing captivity license be transferred to
46 him or her to operate the existing facility. Any license transferred under this provision shall be
47 subject to the same terms and conditions imposed on the original licensee at the time of his or her
48 surrender or death and shall be valid only for the purpose of holding the cervids of the existing
49 facility within that existing facility. In addition, any actions pending from complaint,
50 investigation or other cause shall be continued notwithstanding the termination of the original
51 license.
- 52 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or
53 the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.
- 54 (e) Sale, Transfer or Release of Captive Wildlife.

- 1 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held
- 2 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or
- 3 bird may be surrendered to an agent of the Commission.
- 4 (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to
- 5 sell or transfer the animal or bird held under such license, except that such animal or bird may be
- 6 surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal
- 7 or bird (except members of the family Cervidae) to another person who has obtained a license to
- 8 hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only
- 9 between Certified Herds, as defined in 15A NCAC 10H .0304. Upon such a sale or transfer, the
- 10 seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and
- 11 license number of the buyer or transferee, a copy of which shall be provided to the Commission.
- 12 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:
- 13 (A) any species of deer, elk or other members of the family Cervidae, or
- 14 (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or
- 15 (C) any member of the family Suidae.

16 (f) Transportation Permit.

- 17 (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully
- 18 held wild animal or wild bird within the State.
- 19 (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a
- 20 transportation permit from the Commission.
- 21 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued
- 22 for deer, elk, or other species in the family Cervidae except into and between Certified Herds as
- 23 defined in 15A NCAC 10H .0304.
- 24 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae
- 25 may be issued by the Commission to an applicant for the purpose of transporting the animal or
- 26 animals for export out of state, to a slaughterhouse for slaughter, from a Certified Herd to another
- 27 Certified Herd as defined in 15A NCAC 10H .0304, ~~or~~ to a veterinary medical facility for
- 28 treatment provided that the animal for which the permit is issued does not exhibit clinical
- 29 symptoms of Chronic Wasting ~~Disease~~. Disease or for the purpose of stocking a new captive
- 30 cervid facility. For purposes of this Paragraph a "new captive cervid facility" is one that has been
- 31 licensed for fewer than six months. No person shall transport a cervid to slaughter or export out of
- 32 state without bearing a copy of the transportation permit issued by the Commission authorizing
- 33 that transportation. No person shall transport a cervid for veterinary treatment without having
- 34 obtained approval from the Commission as provided by Part (f)(4)(D) of this Rule. Any person
- 35 transporting a cervid shall present the transportation permit to any law enforcement officer or any
- 36 representative of the Commission upon request, except that a person transporting a cervid by
- 37 verbal authorization for veterinary treatment shall provide the name of the person who issued the
- 38 approval to any law enforcement officer or any representative of the Commission upon request.
- 39 (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be
- 40 submitted in writing to the Commission and shall include the following information along
- 41 with a statement and applicant's signature verifying that the information is accurate:
- 42 (i) Applicant name, mailing address, and telephone number;
- 43 (ii) Facility site address;
- 44 (iii) Captivity license number;
- 45 (iv) Name, address, county and phone number of the slaughter house to which the
- 46 cervid will be transported;
- 47 (v) Vehicle or trailer license plate number and state of issuance of the vehicle or
- 48 trailer used to transport the cervid;
- 49 (vi) Name and location of the North Carolina Department of Agriculture Diagnostic
- 50 lab where the head of the cervid is to be submitted for CWD testing;
- 51 (vii) Date of transportation;
- 52 (viii) Species and sex of each cervid; and
- 53 (ix) Tag number(s) for each cervid.
- 54 (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of
- 55 a member of the family Cervidae for sale out of state. Application for a transportation
- 56 permit for purpose of exportation out of state shall be submitted in writing to the

Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

- (i) Applicant's name, mailing address and telephone number;
- (ii) Facility site address;
- (iii) Captivity license number;
- (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
- (v) Name, site address, county, state and phone number of the destination facility to which the cervid is exported;
- (vi) A copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;
- (vii) Date of departure;
- (viii) Species and sex of each cervid; and
- (ix) Tag number(s) for each cervid.

(C) Between herds. Application for a transportation permit for purpose of moving a cervid from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

- (i) Applicant's name, mailing address and telephone number;
- (ii) Facility site address;
- (iii) Captivity license number;
- (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
- (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
- (vi) Date of departure;
- (vii) Species and sex of each cervid; and
- (viii) Tag number(s) for each cervid.

(D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:

- (i) Applicant's name, mailing address and telephone number;
- (ii) Facility name and site address;
- (iii) Captivity license number;
- (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
- (v) Date of transportation;
- (vi) Species and sex of each cervid;
- (vii) Tag number(s) for each cervid;
- (viii) Name, address and phone number of the veterinarian and clinic that treated the cervid;

- 1 (ix) Symptoms for which cervid received treatment; and
2 (x) Diagnosis of veterinarian who treated the cervid.
3 (g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be
4 submitted in writing to the Commission and shall include the following information along with a statement and
5 applicant's signature verifying that the information is accurate:
6 (1) Applicant name, mailing address, and telephone number;
7 (2) Facility site address;
8 (3) Captivity license number;
9 (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the
10 head of the cervid is to be submitted for CWD testing;
11 (5) Date of slaughter;
12 (6) Species and sex of each cervid; and
13 (7) Tag number(s) for each cervid.

14 Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of
15 captive cervids. Only the licensee may kill a cervid within the cervid enclosure.
16

17 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*
18 *Eff. February 1, 1976;*
19 *Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*
20 *Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the*
21 *permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,*
22 *2001;*
23 *Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*
24 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0302 MINIMUM STANDARDS**

2 (a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher
3 education that were granted an exemption by the Commission from the standards of this Rule prior to December 1,
4 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as
5 the captivity license in effect on that date has not expired or been revoked.

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

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

9 (A) Enclosure. The enclosure shall be on a well-drained site containing natural or manmade
10 shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer
11 shall be not less than one-half acre for the first three animals and an additional one-fourth
12 acre for each additional animal held provided that no more than 25 percent shall be
13 covered with water. At no time shall the number of cervids in the enclosure exceed the
14 number allowed by the captivity license, except that fawns and calves shall not count
15 towards the total number of cervids in a facility from the time they are born until March 1
16 of the following year. The enclosure shall be surrounded by a fence of sufficient strength
17 and design to contain the animal under any circumstances, at least eight feet high, and
18 dog-proof to a height of at least six feet. Facilities licensed after January 1, 2012 shall
19 have two fences meeting these standards surrounding the facility and placed at least three
20 feet apart. Enclosures and enclosure expansions may not contain wild deer or elk. The
21 licensee shall ensure his enclosure is devoid of wild deer or elk before stocking with
22 cervids. For enclosures exclusively holding Muntjac deer, the minimum pen size shall be
23 800 square feet for the first three animals and 200 square feet for each additional animal.
24 No exposed barbed wire, nails, or other protrusions that may cause injury to the animal
25 shall be permitted within the enclosure. Captive cervids shall not be contained within or
26 allowed to enter a place of residence.

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

32 (2) Wild Boars

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

42 (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times.
43 Food shall be placed in the enclosure as needed, but in any case, not less than three times
44 weekly. An effective program for the control of insects, ectoparasites, disease, and odor
45 shall be established and maintained.

46 (3) Wild Birds

47 (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural
48 postures. The enclosure shall be designed in such a way that the birds cannot injure
49 themselves and are able to maintain a natural plumage. Protection from sun, weather,
50 and predators shall also be provided.

51 (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp
52 feed. Ample food and clean water shall be available at all times.

53 (4) Alligators

54 (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain
55 the animals and that shall prevent contact between the observer and alligator. The
56 enclosure shall contain a pool of water large enough for the animal to completely

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submerge itself. If more than one animal is kept, the pool must be large enough for all animals to be able to submerge themselves at the same time. A land area with both horizontal dimensions at least as long as the animal shall also be provided. In case of more than one animal, the land area shall have both horizontal dimensions at least as long as the longest animals to occupy the land area at the same time without overlap.

(B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain good health provided. Protection shall be provided at all times from extremes in temperature that could cause stress to the animal.

(5) Black Bear

- (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
- (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12 feet long by six feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor in which a drainable pool one and one-half feet deep and not less than four by five feet has been constructed. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage must contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
 - (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed daily. The den shall be flushed and cleaned at least once each week in hot weather. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be placed over the cage to provide additional shade when necessary for the health of the animal. The use of collars, tethers or stakes to restrain the bear is prohibited, except as a temporary safety device.
- (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than educational institutions or governmental zoos shall be held without caging under conditions simulating a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility:
- (i) The method of confinement is by chain link fence, wall, moat, or a combination of such, without the use of chains or tethers.
 - (ii) The area of confinement is at least one acre in extent for one or two bears and an additional one-eighth acre for each additional bear.
 - (iii) Bears are free, under normal conditions, to move throughout such area.
 - (iv) At least one-half of the area of confinement is wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind.
 - (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
 - (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
 - (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
 - (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
 - (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.

(6) Cougar

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- (A) Educational or scientific research institutions and zoos supported by public funds.
 - (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
 - (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.
- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.
 - (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
 - (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
 - (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
 - (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not compromised, smaller areas shall be permitted.
 - (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
 - (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
 - (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.
 - (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the

facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.

- (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).
- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.

(7) Other Wild Animal Enclosures.

(A) General Enclosure Requirements.

- (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
- (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
- (iii) No tethers or chains shall be used to restrain the animal.
- (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
- (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
- (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.

(B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Dimensions in Feet

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

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.
- (D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.
- (E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

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

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Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004.
Amended Eff. January 1, 2012

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

2 (a) No Open Season. There shall be no open season for taking any of the species listed as endangered in Rule
3 .0103, threatened in Rule .0104 or, unless otherwise provided, as special concern in Rule .0105 of this Subchapter.
4 Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any of such species at
5 any time.

6 (b) Permits. The executive director may issue permits to take or possess an endangered, threatened, or special
7 concern species as follows:

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

22 (c) Taking Without a Permit:

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

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

39 (e) Exceptions.

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

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- (A) A written application to the Commission is required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens, and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.
- (B) Purchase, importation, and possession of special concern species within North Carolina shall be allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions; provided that sales are permitted to out of state consumers; and, provided that they must be possessed in indoor facilities and that all transportation of specimens provides safeguards adequate to prevent accidental escape; and that the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and, further provided that no specimens may be stocked or released in the public or private waters or lands of North Carolina and may not be transferred to any private individual.

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

1 **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS OR ACCIDENTALLY**

2 (a) Depredation Permit:

- 3 (1) Endangered or Threatened Species. No permit shall be issued to take any endangered or
4 threatened species of wildlife listed under 15A NCAC 10I by reason of depredations to property.
5 An individual may take an endangered or threatened species in immediate defense of his own life
6 or of the lives of others without a permit. Any endangered or threatened species which may
7 constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal
8 or state wildlife enforcement officer, who, upon verification of the report, may take or remove the
9 specimen as provided by 15A NCAC 10I .0102.
- 10 (2) Other Wildlife Species. Except as provided in Subparagraph (1) of this Paragraph, the Executive
11 Director or an agent of the Wildlife Resources Commission may, upon application of a landholder
12 and after such investigation of the circumstances as he may require, issue a permit to such
13 landholder to take any species of wildlife which is or has been damaging or destroying his
14 property provided there is evidence of property damage in excess of fifty dollars (\$50.00). No
15 permit may be issued for the taking of any migratory birds and other federally protected animals
16 unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has
17 been issued. The permit shall name the species allowed to be taken and, in the discretion of the
18 Executive Director or an agent, may contain limitations as to age, sex or any other condition
19 within the species so named. The permit may be used only by the landholder or another person
20 named on the permit.
- 21 (3) Special Circumstances. In addition to the circumstances described in Subparagraph (2) of this
22 Paragraph, the Executive Director or his designee may issue a permit to a person or persons for the
23 taking of wildlife resources in circumstances of overabundance or when the wildlife resources
24 present a danger to human safety. Municipalities seeking such a depredation permit must apply to
25 the Executive Director using a form supplied by the Commission which will request the following
26 information:
- 27 (A) the name and location of the municipality;
 - 28 (B) the acreage of the affected property;
 - 29 (C) a map of the affected property;
 - 30 (D) the signature of an authorized municipality representative;
 - 31 (E) the nature of the overabundance or the threat to public safety and any previous actions
32 taken by the municipality to ameliorate the problem; and
 - 33 (F) in the case of deer overabundance or a threat to public safety from deer, the years in
34 which the municipality participated in the Urban Archery Season. If the municipality has
35 not participated in the Urban Archery Season, the municipality must explain why.
- 36 (4) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose
37 of reviewing and updating information on wildlife laws and safe, humane wildlife handling
38 techniques and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling
39 techniques, an individual with no record of wildlife law violations may apply to the Wildlife
40 Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA).
41 Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling
42 techniques by a passing score of at least 85 percent on a written examination provided by a
43 representative of the Wildlife Resources Commission in cooperation with the training course
44 provider shall be approved. Those persons failing to obtain a passing score shall be given one
45 chance for re-testing without re-taking the course. Those persons approved as agents by the
46 Commission may then issue depredation permits to landholders and be listed as a second party to
47 provide the control service. WDCAs may not issue depredation permits for big game animals,
48 bats, or species listed as endangered, threatened or special concern under 15A NCAC 10I .0103,
49 .0104 and .0105 of this Chapter. WDCAs must report to the Wildlife Resources Commission the
50 number and disposition of animals taken, by county, annually. Records must be available for
51 inspection by a Wildlife Enforcement officer at any time during normal business hours. Wildlife
52 Damage Control Agent status shall be revoked at any time by the Executive Director when there is
53 evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the
54 WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations
55 and control services. In order to maintain a knowledge of current laws, rules, and techniques, each
56 WDCA must renew his or her agent status every three years by showing proof of having attended

1 at least one training course provided for the purpose of reviewing and updating information on
2 wildlife laws and safe, humane wildlife handling techniques within the previous 12 months.
3 (b) Term of Permit. Each depredation permit issued by the Executive Director or an agent shall have entered
4 thereon a date or time of expiration after which date or time the same is invalid for any purpose, except as evidence
5 of lawful possession of any wildlife that may be retained thereunder.

6 (c) Manner of Taking:

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

27 (d) Disposition of Wildlife Taken:

- 28 (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife
29 killed accidentally or without a permit while committing depredations shall be buried or otherwise
30 disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation
31 permit may be transported to an alternate disposal site if desired. Anyone in possession of
32 carcasses of animals being transported under a depredation permit must have the depredation
33 permit in their possession. Except as provided by the succeeding Subparagraphs of (d)(2) through
34 (6) of this Rule, all wildlife killed under a depredation permit must be buried or otherwise
35 disposed of in a safe and sanitary manner.
36 (2) Deer. The edible portions of up to five deer may be retained by the landholder for consumption
37 but must not be transported from the property where the depredations took place without a valid
38 depredation permit. The landholder may give a second party the edible portions of the deer taken
39 under the depredation permit. The receiver of the edible portions must hold a copy of the
40 depredation permit. The nonedible portions of the carcass, including head, hide, feet, and antlers,
41 shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife
42 enforcement officer for disposition. When a deer is accidentally killed on a road or highway by
43 reason of collision with a motor vehicle, the law enforcement officer who investigates the accident
44 shall, upon request of the operator of the vehicle, provide such operator a written permit
45 authorizing him to possess and transport the carcass of such deer for his personal and lawful use,
46 including delivery of such carcass to a second person for his private use or the use by a charitable
47 organization upon endorsement of such permit to such person or organization by name and when
48 no money or other consideration of value is received for such delivery or endorsement.
49 (3) Fox. Any fox killed accidentally shall be disposed of in the manner provided by Subparagraph (1)
50 or (6) of this Paragraph. Any fox killed under a depredation permit may be disposed of in the
51 same manner or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400,
52 the carcass or pelt thereof may be sold to a licensed fur dealer.
53 (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season
54 for taking such furbearing animal either accidentally or for control of depredations to property,
55 whether with or without a permit, may be sold to a licensed fur dealer provided that the person
56 offering such carcass or pelt for sale has a valid hunting or trapping license, provided further that,

1 bobcats and otters may only be sold upon compliance with any required fur tagging requirement
2 set forth in 15A NCAC 10B .0400.

3 (5) Animals Taken Alive. Wild animals in the order Carnivora and beaver shall be humanely
4 euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia
5 or released on the property where captured. Animals transported or held for euthanasia must be
6 euthanized within 12 hours of capture. Anyone in possession of live animals being transported for
7 relocation or euthanasia under a depredation permit must have the depredation permit in his or her
8 possession.

9 (6) A person killing a wild bird or wild animal accidentally with a motor vehicle or finding a dead
10 wild bird or wild animal which was killed accidentally may possess that wild bird or wild animal
11 for a period not to exceed 10 days for the purpose of delivering it to a licensed taxidermist for
12 preparation. The licensed taxidermist may accept the wild bird or wild animal after satisfying
13 himself that the animal was killed accidentally. The taxidermist shall certify and record the
14 circumstances of acquisition as determined by the injuries to the animal. Licensed taxidermists
15 shall keep accurate records of each wildlife specimen received pursuant to the rule as required by
16 15A NCAC 10H .1003 of this Chapter. Upon delivery of the finished taxidermy product to the
17 person presenting the animal, the taxidermist shall give the person a receipt indicating the sex and
18 species, date of delivery, circumstances of initial acquisition and the name, address, and signature
19 of the taxidermist. The receipt shall be permanently affixed to the back or bottom of the finished
20 product and shall be retained by the person for as long as the mounted specimen is kept. Mounted
21 specimens possessed pursuant to this Rule may not be sold and, if such specimens are transferred
22 by gift or inheritance, the new owner must retain the permit to document the legality of
23 possession. This provision does not allow possession of accidentally killed raptors; nongame
24 migratory birds; species listed as endangered, threatened, or of special concern under 15A NCAC
25 10I .0103, .0104, and .0105 of this Chapter; black bear or wild turkey.

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

28 (e) Reporting Requirements. Any landholder who kills a deer, Canada goose, bear or wild turkey under a valid
29 depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration
30 date to the Wildlife Resources Commission. The killing and method of disposition of every game animal and game
31 bird, every furbearing animal, and every nongame animal or nongame bird for which there is no open season, when
32 killed for committing depredations to property, without a permit, shall be reported to the Wildlife Resources
33 Commission within 24 hours following the time of such killing, except that when the carcass or pelt of a fox, killed
34 under a depredation permit, or of a furbearing animal, killed with or without a permit, is lawfully sold to a licensed
35 fur dealer in this State the fur dealer is required to report the source of acquisition and no report is required of the
36 seller.

37
38 *History Note:* Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-
39 307; 113-331; 113-333; 113-334(a); 113-337;
40 Eff. February 1, 1976;
41 Amended Eff. August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1,
42 1995; January 1, 1995; January 1, 1992; August 1, 1990.
43 Amended Eff. January 1, 2012

1 **15A NCAC 10B .0216 FALCONRY**

2 (a) Seasons. Except as provided in Paragraphs (d) and (e) of this Rule, the open seasons for the practice of falconry
3 as permitted by the rules contained in 15A NCAC 10H .0800 shall coincide with the regular open seasons contained
4 in this Section for squirrels, rabbits, quail, ruffed grouse and pheasant, and with the open seasons set forth in the
5 Code of Federal Regulations for migratory game birds in this state.

6 (b) Bag Limits. The daily bag, possession and season limits set forth in this Section for squirrels, rabbits, quail,
7 ruffed grouse and pheasant and the daily bag, field possession, and total possession limits set forth in the Code of
8 Federal Regulations for migratory game birds shall apply to falconry except as provided in Paragraph (e) of this
9 Rule.

10 (c) Out of Season Kills. When any raptor being used in falconry kills any species of wildlife for which there is no
11 open season or a species of game on which the season is then closed, the falconer or person using such raptor shall
12 not take such dead wildlife into his possession but shall leave the same where it lies, provided that the said raptor
13 may be allowed to feed on such dead wildlife before leaving the site of the kill. If the species so killed is a resident
14 species of game on which there is a season limit, the kill shall be included as part of the season limit of the person
15 using the raptor for falconry.

16 (d) Hunting After Limit Taken. After a falconer has acquired the daily bag, possession or season limit of any lawful
17 species, regardless of the manner of taking, the falconer shall not release any raptor.

18 (e) Extended Seasons. An extended falconry season on ~~gray and red squirrels and~~ rabbits shall be the Monday on or
19 nearest October 15 until the last day of February. Bag limits for those portions of the season outside the regular
20 seasons shall be ~~4 squirrels daily, Possession 8; and 3~~ three rabbits daily, Possession 6, and a possession limit of six.

21
22 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;*
23 *Eff. September 1, 1979;*
24 *Amended Eff. May 1, 2008; July 1, 1998.*
25 *Amended Eff. August 1, 2012*

1 **15A NCAC 10H .0801 DEFINITIONS**

2 In addition to the definitions contained in G.S. 113-130, and unless the context requires otherwise, as used in 15A
3 NCAC 10B .0216 and in this Section:

- 4 (1) "Falconry permit" or "permit" means a ~~joint federal state falconry permit, or a separate state~~
5 ~~falconry permit or license issued by this state or by another state, tribe or territory state meeting~~
6 ~~federal falconry standards and listed in Paragraph (k) of 50 C.F.R. 21.29, which has been certified~~
7 ~~by the U.S. Fish and Wildlife Service.~~
- 8 (2) "Falconry license" means the annual special purpose falconry license which is required by G.S.
9 113-270.3(b)(4) ~~in addition to any other applicable general purpose or special purpose license, and~~
10 ~~referenced in the rules of this Section.~~
- 11 (3) "State" means the State of North Carolina, except when the context indicates reference to another
12 state of the United States.
- 13 (4) "Commission" means the North Carolina Wildlife Resources Commission.
- 14 (5) "Executive director" means the Executive Director of the North Carolina Wildlife Resources
15 Commission. When action is required by the commission by any provision of this Section, such
16 action may be performed by the executive director on behalf of the commission.
- 17 (6) "Bred in captivity" or "captive-bred" refers to raptors hatched in captivity from parents that mated
18 or otherwise transferred gametes in captivity.
- 19 (7) "Raptor" means a live migratory bird of the Order Accipitriformes, Order Falconiformes or the
20 Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).
- 21 (8) "Wild-caught" and "wild" raptors means any free-ranging wild raptor held in captivity regardless
22 of its length of captivity or ownership changes according to 50 CFR 21.29 (f)(1) which is hereby
23 incorporated by reference, including subsequent amendments and editions.

24
25 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5); 113-270.3(b)(4);~~ 50 C.F.R. 21.28; 50 C.F.R. 21.29;
26 Eff. September 1, 1979;
27 Amended Eff. May 1, 2007; May 1, 1995; August 1, 1988; February 1, 1985.
28 Amended Eff. January 1, 2012

1 **15A NCAC 10H .0802 PERMIT AND LICENSE REQUIREMENTS**

2 ~~(a) No person shall take a raptor in this state for falconry purposes without having first obtained:~~

3 (1) ~~either:~~

4 (A) ~~a resident falconry permit issued by this state; or~~

5 (B) ~~a General or Master Class falconry permit as defined in Rule .0801 of this Section from~~
6 ~~another state that issues non resident falconry permits or licenses; and~~

7 (2) ~~a North Carolina resident or non resident falconry license as required by G.S. 113-270.3(b)(4).~~

8 ~~(b)(a) No person non-resident of this state shall take, possess, transport, or import a raptor for falconry purposes or~~
9 ~~practice falconry in this state without having first obtained and having in possession:~~

10 (1) ~~a falconry permit as defined in Rule .0801 of this Section from this state or from a state, tribe or~~
11 ~~territory another state that issues non resident falconry permits or licenses, which has been~~
12 ~~certified by the U.S. Fish and Wildlife Service as meeting federal falconry standards; and~~

13 (2) ~~a North Carolina resident or non resident falconry license as required by G.S. 113-270.3(b)(4).~~
14 ~~G.S. 113-270.3(b)(4), unless traveling through North Carolina with no intention of practicing~~
15 ~~falconry while in North Carolina.~~

16 (3) ~~any other general purpose or special purpose license required by the applicable laws of this state.~~

17 ~~[Non resident falconers legally licensed in their home states are exempted from the requirement in Subparagraph~~
18 ~~(a)(2) of this Rule if they are traveling through North Carolina with no intention of practicing falconry while in~~
19 ~~North Carolina.]~~

20 ~~(b) No resident of this state shall take, possess, transport, or import a raptor for falconry purposes or practice~~
21 ~~falconry in this state without having first obtained and having in possession a North Carolina falconry license.~~

22 ~~(c) In addition to criminal penalties for violation provided by federal law and state statute, licenses are subject to~~
23 ~~suspension or revocation in accordance with applicable law.~~

24
25 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;*

26 *Eff. September 1, 1979;*

27 *Amended Eff. July 1, 1998.*

28 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0803 APPLICATION FOR LICENSE**

2 (a) Any ~~individual resident of this state~~ who wishes to take raptors in this state or to practice falconry must submit an
3 application for a falconry license on a form supplied by the commission and proof of a successful examination as
4 described in Rule .0804 of this Section. Non-residents may substitute a valid falconry permit or license from their
5 state in lieu of the proof of a successful examination and a letter, if required, provided that the state which issued the
6 falconry permit or license has been certified by the U.S. Fish and Wildlife Service as meeting federal falconry
7 standards permit to the commission on a form approved by the U.S. Fish and Wildlife Service.

8 (b) Individuals who have recently relocated to North Carolina have 60 days from the date of relocation to apply for
9 a North Carolina falconry license. Until his or her license is granted, the individual may keep any lawfully obtained
10 raptors in facilities described in Rule 10H .0808 of this section, and may practice falconry provided he or she has a
11 permit or license from a state, tribe or territory that has been certified by the U.S. Fish and Wildlife Service.

12 (c) ~~[(b)]~~ Apprentice license applications must include [have attached] a letter from a sponsor as described in 50
13 CFR 21.29 (c)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions.
14 ~~[Rule .0807(b) of this Section.]~~

15 (d) ~~[(e)]~~ General license applications must include [have attached] a letter from a General or Master falconer as
16 described in 50 CFR 21.29 (c)(3)(ii) which is hereby incorporated by reference, including subsequent amendments
17 and editions. [Rule .0807(e) of this Section.]

18 (e) ~~[(f)]~~ Any application submitted by an individual less than 18 years of age must be co-signed by that individual's
19 parent or legal guardian. The parent or legal guardian is legally responsible for the underage falconer's activities.

20 (f) ~~[(e)]~~ A falconer with an expired license less than five years old can apply for a new license at his previous level
21 on a form supplied by the Commission, provided the falconer can show proof he has previously met the
22 requirements for the level of license sought. A falconer who has not had an active license within the past five years
23 can apply for a new license on a form supplied by the Commission, but he must pass the examination described in
24 Rule .0804 of this Section and pass facilities inspection in order to be reinstated at his previous level. He must prove
25 he has previously met the requirements for the level of license sought.

26 (g) ~~[(f)]~~ Applications~~Such application~~ shall be accompanied by a fee in the amount of ten dollars (\$10.00). ~~(\$10.00)~~
27 ~~to defray the cost of administering the examination required by Rule .0804 of this Section.~~

28
29 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5);~~ 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;
30 *Eff. September 1, 1979.*
31 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0804 EXAMINATION**

2 ~~Before any falconry [license]permit is issued the An~~ applicant shall be required to answer correctly at least 80
3 percent of the questions on a supervised examination examination, approved by the U.S. Fish and Wildlife Service
4 ~~and~~ administered by the Commission commission, relating to basic biology, care, and handling of raptors, literature,
5 laws, regulations and other appropriate subject ~~[matter.]~~ matter before the Commission grants a falconry license.
6 ~~[Such] The~~ examination shall not be required of any applicant who holds a currently valid permit from another ~~state~~
7 state, tribe or territory meeting the federal standards and which has been certified by the U.S. Fish and Wildlife
8 Service. and listed in Paragraph (k) of 50 C.F.R. 21.29. The cost for taking the exam is ten dollars (\$10.00),
9

10 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5);~~ 113-270.3(b)(4); 50 C.F.R. 21.29;
11 Eff. September 1, 1979.
12 Amended Eff. January 1, 2012

1 **15A NCAC 10H .0805 DURATION OF ~~PERMIT~~ LICENSE**

2 A falconry license ~~permit~~ or the renewal of such a license ~~permit~~ is valid when issued by the state and expires on
3 June 30. ~~June 30 of the second calendar year after it is issued, unless a different period is specified on the permit or~~
4 ~~the renewal.~~

5
6 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5)~~; 113-270.3(b)(4); 50 C.F.R. 21.28;
7 *Eff. September 1, 1979.*
8 *Amended Eff. January 1, 2012*

9

1 **15A NCAC 10H .0806 ACQUISITION, SALE AND STATUS CHANGE**

2 Every falconry permit shall be issued subject to the following special conditions:

3 (1) A permittee may not take, transport or possess a golden eagle (*Aquila chrysaetos*) unless
4 authorized in writing by the U.S. Fish and Wildlife Service.

5 ~~(2)~~(a) Sale, transfer, purchase and barter. A ~~permittee~~licensee may ~~trade or transfer~~ a wild-caught raptor to another
6 ~~licenseepermittee~~ if the transaction occurs entirely within the state and no money or other consideration is involved.
7 A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written
8 approval of the Commission is obtained and no money or other consideration is involved in the transaction. A
9 permittee must report all acquisitions and dispositions of raptors to the U.S. Fish and Wildlife Service and to the
10 Commission on forms supplied by the Commission. A ~~licenseepermittee~~ licensee may purchase, trade, sell or barter any
11 lawfully possessed raptor ~~that [which]~~ is bred in captivity under a federal raptor propagation permit and banded with
12 a numbered seamless marker provided by the issuing office, U.S. Fish and Wildlife Service, provided:

13 ~~(a)~~(1) the person receiving the [such] raptor is authorized to possess it under this Section, or 50 CFR 21,
14 or the foreign country of his residence or domicile in accordance with 50 CFR 21.29(f)(15); and

15 ~~(b)~~(2) the licenseepermittee transferring such raptor has acquired it from a person authorized to possess
16 it as provided by ~~Sub item (2)(a) of this Rule. 15A NCAC 10H .0807.~~

17 (b) Acquisition from a rehabilitator. A licensee may acquire a raptor from a permitted rehabilitator subject to the
18 restrictions and conditions set forth in 50 CFR 21.29(e)(7)(i)-(ii) which is hereby incorporated by reference,
19 including subsequent amendments and editions.

20 ~~(3)~~(c) A ~~licenseepermittee~~ licensee may not take, possess, or transport a raptor in violation of the restrictions, conditions,
21 and requirements of the federal and state falconry regulations.

22 (d) Death. If a licensee dies his raptors may be transferred in accordance with 50 CFR 21.29 (f)(21), which is
23 hereby incorporated by reference, including subsequent amendments and editions, for up to 90 days. After 90 days
24 the Commission will determine disposition of the birds.

25 (e) Status change. Any status change of a raptor, including death of the raptor or the licensee, loss due to theft,
26 acquisition, sale, transfer, intentional release and rebanding must be reported as set forth in 50 CFR 21.29(e)(6)(i)-
27 (iii) which is hereby incorporated by reference, including subsequent amendments and editions.

28 (f) Disposition of dead birds. Dead birds must be disposed of in a manner described in 50 CFR 21.29(f)(13)(i)-(v)
29 which is hereby incorporated by reference, including subsequent amendments and editions.

30 (4) The falconry seasons and the daily, possession and season bag limits are contained in 15A NCAC
31 10B .0216.

32 (5) A permittee must have his permit in possession at all times when raptor trapping devices or raptors
33 are in his possession away from his residence.

34 (6) In addition to criminal penalties for violations provided by federal and state statutes, permits are
35 subject to suspension or revocation in accordance with applicable law.

36
37 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5); 113-270.3(b)(4);~~ 50 C.F.R. 21.28; 50 C.F.R. 21.29;
38 Eff. September 1, 1979;
39 Amended Eff. February 1, 1994; April 1, 1991; February 1, 1985.
40 Amended Eff. January 1, 2012

1 **15A NCAC 10H .0807 LEVELS OF LICENSES**

2 (a) Falconry licenses. Falconry licenses are issued at three levels based upon the age and experience of the
3 falconer.

4 ~~(a)(b)~~ Apprentice Class.—Apprentice ~~class~~level falconry ~~permits~~licenses are subject to the ~~following~~following conditions,
5 requirements and limitations set forth in 50 CFR 21.29(c)(3)(i) which is hereby incorporated by reference, including
6 subsequent amendments and editions. The following restrictions are in addition to those set forth in federal code:

7 (1) ~~The permittee must be at least 14 years old.~~

8 (2)(1) ~~Regardless of the age of the permittee, the apprentice must have a sponsor who is a holder of a~~
9 ~~general or master falconry permit for the period during which the apprentice permit is held. The~~
10 ~~apprentice's sponsor must be a North Carolina resident or must live within 200 miles of the~~
11 ~~apprentice. A sponsor may not have more than three apprentices at any one time. A sponsor must~~
12 ~~provide written notification justification to the Commission when he decides to stop sponsoring~~
13 ~~drop an apprentice. The Commission will notify the apprentice who must obtain another sponsor~~
14 ~~and so advise the Commission within 90 days. The apprentice's raptors may be seized by the~~
15 ~~Commission and the permit revoked if after the 90 day period the apprentice fails to obtain another~~
16 ~~sponsor and/or to notify the Commission of the new sponsor. same. If after 180 days, the~~
17 ~~apprentice fails to obtain another sponsor and/or to notify the Commission of the same, he shall be~~
18 ~~required to reapply and be reexamined prior to the reissuance of his permit-license.~~

19 (3) ~~The permittee may not possess more than one raptor and may not obtain more than one raptor for~~
20 ~~replacement during any period of 12 months.~~

21 (4) ~~The permittee may possess only the following raptors which must be taken from the wild: an~~
22 ~~American kestrel (Falco sparverius), a red-tailed hawk (Buteo jamaicensis), or a red-shouldered~~
23 ~~hawk (Buteo lineatus).~~

24 ~~(b)(c)~~ General Class.—General ~~class~~level falconry ~~permits~~licenses are subject to the ~~following~~following conditions,
25 requirements and ~~limitations~~limitations set forth in 50 CFR 21.29(c)(3)(ii) which is hereby incorporated by
26 reference, including subsequent amendments and editions.

27 (1) ~~The permittee must be at least 18 years old.~~

28 (2) ~~The permittee shall have at least two years experience in the practice of falconry at the apprentice~~
29 ~~level or its equivalent. The permittee's apprentice sponsor must provide written certification of the~~
30 ~~falconer's skills on forms supplied by the Commission. This certification must also be approved~~
31 ~~by at least one other general or master class falconer by his signature and falconry permit number~~
32 ~~on the form.~~

33 (3) ~~The permittee may not possess more than two raptors and may not obtain more than two raptors~~
34 ~~for replacement during any period of 12 months.~~

35 (4) ~~The permittee may not take, transport, or possess any golden eagle or any species listed as~~
36 ~~endangered or threatened under the federal regulations, except as provided by the federal falconry~~
37 ~~regulations.~~

38 ~~(c)(d)~~ Master Class. Master ~~class~~level falconry ~~permits~~licenses are subject to the ~~following~~following conditions,
39 requirements and ~~limitations~~limitations set forth in 50 CFR 21.29(c)(3)(iii) which is hereby incorporated by
40 reference, including subsequent amendments and editions.

41 (1) ~~The permittee must have at least five years' experience in the practice of falconry at the general~~
42 ~~class level or its equivalent.~~

43 (2) ~~The permittee may not possess more than three raptors and may not obtain more than two raptors~~
44 ~~taken from the wild for replacement during any period of 12 months.~~

45 (3) ~~The permittee may not take, transport, or possess any golden eagle for falconry purposes unless~~
46 ~~authorized in writing by the U.S. Fish and Wildlife Service.~~

47 (4) ~~The permittee may not take species listed as endangered in 50 CFR 17 but may transport or~~
48 ~~possess such species in accordance with 50 CFR 17.~~

49 (5) ~~The permittee may not take during any period of 12 months, as part of his three bird limitation,~~
50 ~~more than one raptor listed as threatened in 50 CFR 17 and then only in accordance with 50 CFR~~
51 ~~17.~~

52
53 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5); 113-270.3(b)(4);~~ 50 C.F.R. 21.29;
54 *Eff. September 1, 1979;*
55 *Amended Eff. May 1, 1995; May 1, 1991; February 1, 1985.*
56 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0808 FACILITIES AND EQUIPMENT:**

2 (a) Inspection and Certification. Prior to initial issuance of a North Carolina falconry license to a resident of North
3 Carolina, permit, the applicant's raptor housing facilities and falconry equipment shall be certified by a
4 representative of the Commission as meeting the standards set forth in ~~Subsections (b) and (c)~~ of this Rule.

5 Applicants must have indoor facilities or outdoor facilities as described in Paragraph (b) of the Rule. Applicants
6 may have both types of facilities.

7 (b) Housing Facilities. The primary consideration of raptor housing, whether indoors (mews) or outdoors
8 (weathering area), being protection of the raptor from the environment, predators, and domestic animals~~undue~~
9 ~~disturbance~~, the applicant shall have holding facilities meeting the following standards:

10 (1) ~~Standards for Apprentice Class Falconry Facilities:~~ All facilities. All facilities must conform to the
11 standards in 50 CFR 21.29(d)(1)(ii)(A) which is hereby incorporated by reference, including
12 subsequent amendments and editions.

13 ~~(A)(2)~~ Indoor Facilities (Mews). Indoor facilities must conform to the standards in 50 CFR
14 21.29(d)(1)(ii)(B) which is hereby incorporated by reference, including subsequent amendments
15 and editions. In addition to the federal standards, Minimum size of the mews shall be 8 x 8 feet
16 with access provided by the mews must have a door that allows easy access and maintenance, and
17 that shall close automatically or be securable inside and outside. Mews should be located away
18 from undue disturbance and shade should be provided. There shall be at least one window,
19 protected on the inside by vertical bars spaced narrower than the width of the raptor's body and
20 containing a window perch. The floor of the mews shall permit easy cleaning and shall be well
21 drained. Adequate perches shall be provided. The interior of the mews shall be free of splinters,
22 protruding nails and other obstructions that could be injurious to the raptor. Any lighting fixtures
23 shall be shielded or otherwise protected.

24 ~~(B)(3)~~ Outdoor Facilities (Weathering Areas). Weathering areas Outdoor facilities must conform to the
25 standards in 50 CFR 21.29(d)(1)(ii)(D) which is hereby incorporated by reference, including
26 subsequent amendments and editions. In addition to the federal standards, shall be fenced and
27 covered with netting or wire mesh, or roofed to protect the raptor from disturbance and attack by
28 predators. Covers or roofs shall not be less than seven feet. The enclosed area shall be no less
29 than 8 x 8 feet, but large enough to insure the raptor cannot strike the fence, cover or roof when
30 flying from the perch. The floor of the weathering area shall be covered with a thick layer of
31 natural or artificial material that allows allow for adequate drainage. Protection from excessive
32 sun, wind, and inclement weather shall be provided for the raptor. The weathering area shall also
33 include a jump box, A frame, or similar structure constructed of weatherproof material and which
34 will offer the raptor a secure perch with adequate head and tail clearance. At least two perches
35 shall be provided for the raptor. These shall be covered with artificial turf, hemp rope, or similar
36 material. Secured leash shall offer access to all perches and bath container yet should not allow
37 the raptor to come in contact with the fence and be free from entanglement. All areas accessible to
38 the raptor shall be smooth and free of splinters and other obstructions that could be injurious to the
39 raptor.

40 (2) ~~Standards for General and Master Class Falconry Facilities:~~

41 (A) ~~Indoor Facilities (Mews). The mews shall be of a size to allow easy access for caring for~~
42 ~~the raptors held in the facility and shall have a secure door that can be easily closed. If~~
43 ~~more than one raptor is to be kept in a mews, the raptors shall be tethered or separated by~~
44 ~~partitions and the area for each raptor shall be large enough to allow the raptor to fully~~
45 ~~extend its wings. There shall be at least one window, protected on the inside by vertical~~
46 ~~bars spaced narrower than the width of the raptor's body and containing a window perch.~~
47 ~~The floor of the mews shall permit easy cleaning and shall be well drained. Adequate~~
48 ~~perches shall be provided. The interior of the mews shall be free of splinters, protruding~~
49 ~~nails and other obstructions that could be injurious to the raptor. Any lighting fixtures~~
50 ~~shall be shielded or otherwise protected.~~

51 (B) ~~Outdoor Facilities (Weathering Areas). Weathering areas shall be fenced and covered~~
52 ~~with netting or wire mesh, or roofed to protect the raptor's from disturbance and attack by~~
53 ~~predators, except that perches more than six and one half feet high need not be covered or~~
54 ~~roofed. The enclosed area shall be large enough to insure the raptor(s) cannot strike the~~
55 ~~fence when flying from the perch. The floor of the weathering area shall allow for~~
56 ~~adequate drainage. Protection from excessive sun, wind, and inclement weather shall be~~

1 provided for each raptor. Adequate perches shall be provided. All areas accessible to the
2 raptor shall be smooth and free of splinters and other obstructions that could be injurious
3 to the raptor.

4 (4) Human facilities. Raptors may be brought inside a human dwelling as needed to address health,
5 training and safety issues. Human facilities must conform to the standards in 50 CFR
6 21.29(d)(1)(ii)(C) which is hereby incorporated by reference, including subsequent amendments
7 and editions.

8 (5) A licensee may have his raptors in the open temporarily under the conditions set forth in
9 21.29(d)(1)(iii) which is hereby incorporated by reference, including subsequent amendments and
10 editions.

11 (c) Equipment. Licensees must possess the equipment listed in 50 CFR 21.29(d)(3) which is hereby incorporated
12 by reference, including subsequent amendments and editions. The following items shall be in the possession of the
13 applicant before he can obtain a permit:

14 (1) ~~At least one pair of Alymeri type (two piece) jesses constructed of pliable high quality leather or~~
15 ~~suitable synthetic material.~~

16 (2) ~~At least one flexible, weather resistant leash and one figure eight type swivel of acceptable~~
17 ~~falconry design;~~

18 (3) ~~At least one suitable bath, 2" 6" deep and wider than the length of the raptor for drinking and~~
19 ~~bathing for each raptor;~~

20 (4) ~~A reliable scale or balance with perch attached for weighing raptors held and capable of weighing~~
21 ~~up to five pounds and graduated to increments of not more than 1/2 ounce or 15 grams;~~

22 (5) ~~Outdoor Perches. At least one portable weathering area perch of an acceptable design (block~~
23 ~~perch, ring perch, or bow perch) shall be provided for each raptor;~~

24 (6) ~~At least one pair of bells of falconry design and of appropriate size.~~

25 (d) Maintenance. All facilities and equipment shall be kept at or above the standards contained in Paragraphs (b)
26 and (c) of this Rule at all ~~times.~~ times, regardless whether the facilities are located on property owned by the
27 licensee or owned by another.

28 (e) Transportation and Temporary Holding. A raptor may be transported or held in temporary facilities as described
29 in 50 CFR 21.29(d)(4)(5) which is hereby incorporated by reference, including subsequent amendments and
30 editions, which shall be provided with an adequate perch and protected from extreme temperatures and excessive
31 disturbance for a period not exceeding 30 days.

32 (f) Care by others. A licensee may leave his raptors in the care of another person subject to the restrictions in 50
33 CFR 21.29(d)(6)(7) which is hereby incorporated by reference, including subsequent amendments and editions.

34 (g) Change of location. A licensee must inform the Commission within five days if he moves his facilities.
35

36 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5); 113-270.3(b)(4);~~ 50 C.F.R. 21.29;
37 *Eff. September 1, 1979;*
38 *Amended Eff. May 1, 1995; April 1, 1991.*
39 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0809 MARKING**

2 (a) All peregrine falcons (*Falco peregrinus*), gyrfalcons (*Falco rusticolus*), and ~~Harris Harris's~~ hawks (*Parabuteo*
3 *unicinctus*) and goshawks ~~possessed~~ removed from the wild or acquired from a falconer or rehabilitator for
4 falconry purposes must be marked in accordance with the following provisions: ~~banded~~ or microchipped as set forth
5 in 50 CFR 21.29(c)(7)(i) which is hereby incorporated by reference, including subsequent amendments and editions.

6 (b) Raptors bred in captivity must be banded as set forth in 50 CFR 21.29(c)(7)(ii) which is hereby incorporated by
7 reference, including subsequent amendments and editions.

8 (1) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo*
9 *unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by
10 the Service, must be banded with a permanent, non-reusable, numbered band issued by the
11 Service.

12 (2) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo*
13 *unicinctus*), possessed for falconry purposes must be banded at all times in accordance with these
14 standards.

15 (c) Loss or removal of any band must be reported to the issuing office within five working days of the loss and must
16 be replaced as described in 50 CFR 21.29(c)(7)(iii) which is hereby incorporated by reference, including subsequent
17 amendments and editions, with a permanent non-reusable, numbered band supplied by the Service.

18 (3) After the effective date of this Section, before any unmarked raptor of these species is acquired in
19 this state, an appropriate marker must be first acquired and attached to the raptor immediately
20 upon acquisition. A written application is required to obtain any such marker.

21 (4) Permittees must affix a non-reusable marker to any raptor which may require retrapping. Only
22 marked raptors may be retrapped at any time.

23 (d)(5) ~~Counterfeiting or Alteration.~~ No person shall counterfeit, alter, or deface any marker required by this Rule,
24 except that ~~permittees licensees~~ may remove the rear tabs on markers and may smooth any surface imperfections
25 provided the integrity of the markers and numbering are not affected.

26 (e) No raptor removed from the wild may be marked with a seamless numbered band.

27 (f) A falconer may request a band exemption from the issuing office for a raptor with documented health problems
28 or injuries caused by a band but must adhere to the restrictions set forth in 50 CFR 21.29(c)(7)(v) which is hereby
29 incorporated by reference, including subsequent amendments and editions.

30
31 *History Note: Authority G.S. 113-134; 113-270.3(b)(5); 113-270.3(b)(4); 50 C.F.R. 21.29;*
32 *Eff. September 1, 1979;*
33 *Amended Eff. April 1, 1991; July 1, 1988.*
34 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0810 TAKING RAPTORS**

2 (a) No raptor shall be taken from the wild in this state except by an individual a person holding a currently valid
3 falconry license~~permit~~ as defined in Rule .0801 of this Section and a falconry permit from the individual's state of
4 residence if the individual is a non-resident of North Carolina. Falconers may only take species of raptors from the
5 wild that are authorized under their level of permit. If a falconer captures an unauthorized species of raptor or other
6 bird, he must release that bird immediately, from this state or another state that issues non resident falconry permits
7 or licenses and a currently valid resident or non resident falconry license, and then only in accordance with the
8 following instructions:

9 (b) All levels of licensees are allowed to take up to two raptors from the wild annually subject to the conditions and
10 restrictions set forth in 50 CFR 21.29(e)(2)(i)-(viii) which is hereby incorporated by reference, including subsequent
11 amendments and editions. Apprentices are allowed to keep only one bird at a time.

12 (c) Apprentices may take any species of raptor from the wild except for those species specified in 50 CFR
13 21.29(c)(3)(i) which is hereby incorporated by reference, including subsequent amendments and editions.

14 (d) Any raptor native to this state may be taken from the wild subject to the restrictions on species and license level
15 as follows:

- 16 (1) Nestlings. Young birds not capable of flight (eyasses) may not be taken without a special permit
17 issued by the commission. These permits shall be issued only Only to persons holding general or
18 master level class falconry licenses may take nestlings. Nestlings may only be taken permits and
19 are valid during the period from May 1 through June 30. No more than two nestlings eyasses may
20 be taken by the same licensee, permittee during this period. At least one nestling must be left in
21 the nest or aerie.
- 22 (2) Young birds. First year (passage) birds may be taken only during the period August 1 September 4
23 through the last day of February, December 31, except that marked raptors may be retrapped at
24 any time.
- 25 (3) Only American kestrels kestrels (Falco sparverius) and great horned owls (Bubo Virginianus) may
26 be taken when over one year old, old, except that any raptor other than an endangered or threatened
27 species taken under a depredation or other special purpose permit issued by the U.S. Fish and
28 Wildlife Service may be used for falconry by general and master class falconers. Only General and
29 Master falconers may take this age class in accordance with 50 CFR 21.29(e)(3)(i) which is hereby
30 incorporated by reference, including subsequent amendments and editions. The time period for
31 taking is August 1 through the last day of February.
- 32 (4) Federally Listed Species. Only General and Master falconers may take a federally threatened
33 species and the falconer must follow [following] the restrictions in 50 CFR 21.29(e)(3)(ix) which
34 is hereby incorporated by reference, including subsequent amendments and editions.
- 35 (5) State listed species. A falconer must obtain a North Carolina endangered species permit before
36 taking any raptors listed in 15A NCAC 10I .0103, 15A NCAC 10I .0104 or 15A NCAC 10I .0105.
37 Furthermore, a falconer must possess a special hunt permit to take a passage peregrine [Peregrine]
38 falcon (Falco peregrinus tundrius).

39 (e) Traps must be designed to prevent injury to the raptor. All traps except box-type traps must be attended and
40 viewed from a reasonable distance by the trapper at all times when in use. Box-type traps must be checked every 24
41 hours. Traps must be of one of the following types:

- 42 (1) Leg noose snare traps. Nooses on these traps must be tied in such a manner as to prevent the noose
43 from locking when under pressure. The trapper must use a suitable drag weight based on the
44 species being trapped.
- 45 (2) Nets that collapse on and enclose around the raptor.
- 46 (3) Box-type traps with automatic closing entry doors or funnels.

47 (f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of
48 banded birds, captive-bred birds and birds wearing falconry equipment is as allowed in 50 CFR 21.29(e)(3)(iv)-(v)
49 which is hereby incorporated by reference, including subsequent amendments and editions.

50 (g) Licensees must keep their license on their person when trapping raptors.

51 (h) Raptors injured due to falconry trapping efforts must be treated humanely and in accordance with 50 CFR
52 21.29(e)(5) which is hereby incorporated by reference, including subsequent amendments and editions.

53
54 *History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;
55 Eff. September 1, 1979;
56 Amended Eff. July 1, 1998.

1 **15A NCAC 10H .0811 OTHER RESTRICTIONS AND CONDITIONS**

2 (a) ~~A person who possesses a lawfully acquired raptor before the effective date of this Section and who fails to meet~~
3 ~~the permit requirements for falconry shall be allowed to retain such raptor, but shall not engage in the practice of~~
4 ~~falconry. Each such bird shall be identified with a marker supplied by the commission and cannot be replaced if~~
5 ~~death, loss, release, or escape occurs.~~

6 (b) ~~A falconry permittee who possesses raptors before the effective date of this Section, in excess of the number~~
7 ~~allowed under his class of permit, shall be allowed to retain the extra raptors. All such birds shall be identified with~~
8 ~~markers supplied by the commission and no replacement or additional raptor may be obtained until the number in~~
9 ~~possession is at least one less than the total number authorized by the class of permit held by the permittee.~~

10 (c) ~~No species of raptor which is not indigenous to this state shall be intentionally released to the wild in this state~~
11 ~~without written authorization having been first obtained from the commission. When any raptor, whether or not~~
12 ~~indigenous to this state, is intentionally released to the wild in this state, the marker shall be removed from such bird~~
13 ~~and surrendered to the commission, and a standard federal bird band shall be attached to the bird by a state or~~
14 ~~federally authorized federal bird bander.~~

15 (d) ~~By written authorization of the permittee accompanying the transfer, a falconry permittee may commit the care~~
16 ~~of raptors to another person. If the period of such care will exceed 30 days, the permittee, within three days of the~~
17 ~~transfer, shall inform the commission in writing of the transfer and the reason therefor, where the birds are being~~
18 ~~held, who is caring for them, and approximately how many days they will remain in the care of such other person.~~

19 (a) Every falconer [Falconers] must carry his [their] license on his [their] person when conducting any falconry
20 activities away from approved facilities as described in Rule .0808 of this Section.

21 (b) Visitors to the United States may practice falconry under the conditions set forth in 50 CFR 21.29 (f)(14) which
22 is hereby incorporated by reference, including subsequent amendments and editions.

23 (c) A licensee may take his raptors to another country to practice falconry under the conditions set forth in 50 CFR
24 21.29 (f)(15) which is hereby incorporated by reference, including subsequent amendments and editions.

25 (d) A licensee who practices falconry in the vicinity of a federally listed species must avoid take of the listed
26 species as described in 50 CFR 21.29 (f)(17) which is hereby incorporated by reference, including subsequent
27 amendments and editions.

28 (e) If a licensee's raptor takes a non-target species, the licensee may allow his bird to feed on the prey, but not take
29 the non-target species into his possession.

30 (f) Feathers that are molted, or those from raptors held in captivity that die, may be retained and
31 exchanged by falconry licensees/permittees only for imping purposes or otherwise disposed of as set forth
32 in 50 CFR 21.29(f)(12)(i)-(v) which is hereby incorporated by reference, including subsequent amendments and
33 editions.

34
35 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5)~~; 113-270.3(b)(4); 50 C.F.R. 21.29;
36 *Eff. September 1, 1979.*
37 *Amended Eff. January 1, 2012*

1 **15A NCAC 10H .0812 INTERSTATE TRANSPORTATION**

2 (a) A nonresident of this state who holds a currently valid falconry permit from another ~~state-state, tribe or territory~~
3 which has been certified by the U.S. Fish and Wildlife Service which is listed in Paragraph (k) of 50 C.F.R. 21.29
4 may transport his raptors into or through this state for use in the practice of falconry, provided all laws and
5 regulations governing the practice of falconry in this state are observed.

6 (b) A North Carolina resident ~~of this state~~ who holds a falconry license permit issued by the commission may
7 transport his raptors into or through other ~~states-states, tribal lands [tribes]~~ and territories [certified by the U.S. Fish
8 and Wildlife Service] listed in Paragraph (k) of 50 C.F.R. 21.29 for use in the practice of falconry, provided all laws
9 and regulations of such states governing the possession and transportation of raptors and the practice of falconry are
10 observed.

11
12 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5);~~ 113-270.3(b)(4); 50 C.F.R. 21.29;
13 Eff. September 1, 1979.
14 Amended Eff. January 1, 2012

1 **15A NCAC 10H .0813 RAPTOR PROPAGATION PERMIT**

2

3 *History Note: Authority G.S. 113-134; 113-270.3(b)(5); 50 C.F.R. 21.29;*

4 *Eff. February 1, 1994;*

5 *Amended Eff. July 1, 1994.*

6 *Repealed Eff. January 1, 2012*

7

1 **15A NCAC 10H .0814 RELEASE OF RAPTORS OR MOVED TO OTHER PERMIT**

2 (a) No raptor which is not native to the state of North Carolina and no hybrid of any kind may be released to the
3 wild. Native, captive-bred birds may only be released with written permission from the Commission and under the
4 conditions set forth in 50 CFR 21.29(e)(9)(ii) which is hereby incorporated by reference, including subsequent
5 amendments and editions.

6 (b) Native, wild birds may be released to the wild under the conditions set forth in 50 CFR 21.29(e)(9)(iii) which is
7 hereby incorporated by reference, including subsequent amendments and editions.

8 (c) Wild-caught birds may be transferred to another type of permit under the conditions set forth in 50 CFR
9 21.29(f)(5)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

10 (d) Captive-bred birds may be transferred to another type of permit under the conditions set forth in 50 CFR
11 21.29(f)(6) which is hereby incorporated by reference, including subsequent amendments and editions.

12 (e) Hacking and other training and conditioning techniques are allowed under conditions set for in 50 CFR
13 21.29(f)(2)(3) which is hereby incorporated by reference, including subsequent amendments and editions.

14
15 *History Note:* Authority G.S. 113-134; ~~113-270.3(b)(5)~~; 113-270.3(b)(4); 50 C.F.R. 21.29;
16 Eff. January 1, 2012

1 **15A NCAC 10H .0815 OTHER USES AND ALLOWED ACTIVITIES**

2 (a) Raptors may be used in captive propagation as allowed under the conditions set forth in 50 CFR 21.29(f)(7)
3 which is hereby incorporated by reference, including subsequent amendments and editions.

4 (b) General and master falconers may use raptors in conservation education programs as set forth in 50 CFR
5 21.29(f)(8)(i)-(vi) which is hereby incorporated by reference, including subsequent amendments and editions. Other
6 educational uses of raptors are restricted to those allowed in 50 CFR 21.29(f)(9)(i)-(ii) which is hereby incorporated
7 by reference, including subsequent amendments and editions.

8 (c) General and master falconers may use raptors in abatement activities under the conditions set forth in 50 CFR
9 21.29(f)(11)(i)-(ii) which is hereby incorporated by reference, including subsequent amendments and editions.

10 (d) General and master falconers may assist in raptor rehabilitation under the conditions set forth in 50 CFR
11 21.29(f)(10)(i)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.

12 (e) Licensees may take bird species for which there is a depredation order by means of falconry in accordance with
13 50 CFR 21.29(f)(20) which is hereby incorporated by reference, including subsequent amendments and editions.

14
15 *History Note: Authority G.S. 113-134; ~~113-270.3(b)(5)~~; 113-270.3(b)(4); 50 C.F.R. 21.29;*
16 *Eff. January 1, 2012*

EXHIBIT F

November 10, 2011



NO WAKE ZONE REQUEST – CARTERET COUNTY, FISHING CREEK 15A NCAC 10F .0330

The Wildlife Resources Commission, at its meeting on October 13, 2011 tabled consideration of the application from North Carolina Division of Parks and Recreation on behalf of the U.S. Coast Guard Sector North Carolina, for a proposed no wake zone within the waters of Fishing Creek on the property of Fort Macon State Park. The tabled request was referred to the Boating Safety Committee for further discussion and consideration of mitigating factors that might require regulation of the waters of the creek, with a recommendation to be made to the entire Commission at the November 10, 2011 meeting.

At the public hearing in Carteret County on November 15, 2010 Capt. Anthony Popiel, Commander of USCG Sector North Carolina, spoke in favor of the no wake zone to mitigate hazards to water safety caused by boaters using the creek at high speeds at high tide only as a short cut, avoiding the no wake zones within the Port of Morehead City (map attached to this exhibit.) Capt. Popiel indicated that Fishing Creek is not marked with Federal Aids to Navigation by the USCG because it is not deep enough for most boats to transit. At the Carteret County public hearing John Hopkins spoke against the proposed no wake zone because he uses the creek as a time and fuel saving option as he heads out of Beaufort Inlet. (excerpt from the 11-15-2010 Carteret County Public Hearing attached.)

The Wildlife Resources Commission received an application with certified resolution signed by Donald G. Reuter, Assistant Director of N.C. Division of Parks and Recreation, requesting that the WRC promulgate rulemaking for a no wake zone within Fishing Creek. The U.S. Coast Guard has agreed to be responsible for purchase and placement of signage, at no expense to state and local government; therefore a fiscal note analysis was not required.

Staff investigated the area and recommended proceeding with rulemaking in the interest of boating safety. It was noted that the creek is navigable only at high tide and only on plane, creating hazards for motor vessel operators and a hazard for canoeists and kayakers who also use the area and may not be seen around the winding curves along most of the creek. Enforcement noted that boaters have used the cut through to avoid detection by officers looking for BWI suspects within the no wake area in the Port of Morehead City.

Notice of Text was published in the *North Carolina Register* pursuant to the Administrative Procedure Act. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011. There were no attendees at the public hearing. However, four emails were received during the comment period in opposition to the proposed no wake zone at Fishing Creek. Emails are attached to this exhibit.

EXHIBIT F

November 10, 2011

PROPOSED AMENDMENT TO 15A NCAC 10F .0330

15A NCAC 10F .0330 CARTERET COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Carteret County:

- (1) the waters of Money Island Slough beginning at the east end of Money Island near the Anchorage Marina Basin and ending at the west end of Money Island where Brooks Avenue dead-ends at the slough;
- (2) the waters of Taylor Creek located within the territorial limits of the Town of Beaufort;
- (3) the waters of Pelletier Creek beginning at the entrance to Pelletier Creek at the Intracoastal Waterway and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound in Morehead City between Sugar Loaf Island and the seawall on the south side of Evans, Shepard and Shackelford Streets and bounded on the east by the State Ports Authority and on the west by the eastern right-of-way margin of South 13th Street extended;
- (5) the waters of Gallant's Channel from the U.S.70 crossing over the Grayden Paul bridge to Taylor's Creek;
- (6) the waters of Cedar Island Bay and Harbor from U.S. 70 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island immediately south of the B & M Railroad and U.S.70 Bridges across the Intracoastal Waterway in which Radio Island Marina and Morehead Sports Marina are located as delineated by appropriate markers;
- (8) the waters of the Newport River beginning at the north side of the Beaufort Drawbridge and ending at marker #6;
- (9) the waters of Spooners Creek within the territorial limits of the Town of Morehead City as delineated by appropriate markers;
- (10) the waters of Taylor's Creek from the eastern end of the current no wake zone eastward to Channel Marker #1A;
- (11) the waters of the Newport River at Bogue Sound including all waters surrounding the Port of Morehead City to Brandt Island as delineated by appropriate markers; (12) the waters of Morgans Creek as delineated by appropriate markers;
- (13) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W as delineated by appropriate markers; and
- (14) **the entire waters of Fishing Creek in the vicinity of Fort Macon State Park and U.S.C.G. Station Fort Macon, beginning at its western entrance at Tar Landing Bay and ending at the eastern entrance near Beaufort Inlet, as delineated by appropriate markers.**

(b) Speed Limit. It is unlawful to operate a motorboat or vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Carteret County, with respect to the regulated areas designated in Subparagraphs (1), (3), (5), (6), (7), (8), (10), (12) and (13) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Beaufort, with respect to the regulated area designated in Subparagraph (2) of Paragraph (a) of this Rule, and the Board of Commissioners of Morehead City, with respect to Subparagraph (4) and (9) of Paragraph (a) of this Rule, and the North Carolina State Ports Authority, with respect to the regulated area designated in Subparagraph (11) of Paragraph (a) of this Rule, **and the United States Coast Guard and the North Carolina Division of Parks and Recreation, with respect to the regulated area designated in Subparagraph (14) of Paragraph (a) of this Rule are designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.**



Commander
United States Coast Guard
Sector North Carolina

2301 East Fort Macon Rd.
Atlantic Beach, NC 28512
Phone: (252) 240-8465
Fax: (252) 240-8454

5000

Douglas Harris, Chairman
Carteret County Board of Commissioners
302 Courthouse Square
Beaufort, NC 28516

Dear Sir:

I respectfully request immediate consideration be given to a proposal to establish a No Wake Zone in Fishing Creek, Bogue Sound. Fishing Creek is a popular waterway with many narrow, "blind turns" that is frequently utilized by canoes, kayaks, and fishing vessels. The recent increase in vessel traffic volume coupled with the limited ability to safely navigate this narrow waterway at a high rate of speed has led to a significant increase in the potential for boating accidents.

The establishment of a No Wake Zone in Fishing Creek serves to support local, state and federal efforts to increase Recreational Boating Safety and will undoubtedly lessen the chance for a mishap that results in damage to vessels, personal injury or death in this area.

I strongly urge action to be taken to increase safety in Fishing Creek. If you have any additional questions, please contact Lieutenant Shannon Scaff, Chief, Incident Management Division at (252) 247-4538.

Sincerely,

A. POPIEL
Captain, U.S. Coast Guard
Commander, Coast Guard Sector
North Carolina



North Carolina Department of Environment and Natural Resources
Division of Parks and Recreation

Michael F. Easley, Governor

William G. Hoss Jr., Secretary

Lewis A. Ledford, Director

October 28, 2010

Carteret County Commissioners
PO Box 3006
Atlantic Beach, NC 28512

Dear Sirs:

On behalf of Fort Macon State Park, I support the U.S. Coast Guard's request for a "No Wake Zone" for Fishing Creek.

I have witnessed the steady increase of motorized craft using Fishing Creek since the establishment of a "No Wake Zone" in Morehead Turning Basin. Because of boaters using Fishing Creek at a high rate of speed, it has raised a safety concern for others using Fishing Creek.

Sincerely,

Randy Newsum, Superintendent
Fort Macon State Park

RN/eb

Capt. Anthony Popiel, Commander of the Coast Guard Sector NC, said in dealing with boaters, they try to identify things they can do to make the waters safer and prevent accidents before they occur. He said an area that had come to their attention for a potential accident was Fishing Creek, located along the property of Fort Macon State Park from the main channel back into Bogue Sound. Capt. Popiel indicated that many boaters use Fishing Creek because there is a no wake zone along the main channel that passes downtown Morehead City through to the port area. He said when the tide was high many boaters would use Fishing Creek as a shortcut to get into Bogue Sound. Capt. Popiel said it was a narrow waterway with lots of turns that some people use for fishing, as well as canoeing and kayaking, so a boat traveling at a high rate of speed could experience difficulty maneuvering out of the way if they came upon a canoe, a kayak or a small boat. Capt. Popiel said the Coast Guard recommended the establishment of a no wake zone in this area in order to reduce the opportunity for an accident in that waterway.

Chairman Harris asked if there had been any accidents in the creek. Capt. Popiel said he wasn't aware of any but he had only been in this area since the beginning of the year so his personal knowledge of the history of the waterway was only from what he had heard from local boaters.

Chairman called for a motion to open the public hearing.

Motion-Commissioner Lewis moved to open the public hearing. Commissioner Robinson seconded. **Motion carried unanimously.**

John Hopkins from Atlantic Beach said he used this waterway multiple times a week. He said he had two slips at Triple S Marina and cutting through Fishing Creek saved him a lot of time and a lot of fuel. Mr. Hopkins said a no wake zone in this area would be a grave injustice and a tremendous inconvenience for all the people who use this waterway. He pointed out that if it was below mid-tide, Fishing Creek was too shallow to go through but if a boat was planed out, it could go through at mid-tide and above. Mr. Hopkins said 95% of the time he went through Fishing Creek he didn't see any boats, canoes or kayaks. He added that the marsh grass at mid tide might be 1½ to 2 feet above the level of the water so when someone was in a boat, they were 4 or 5 feet up so they could see from one side of the marsh to the other; therefore, he didn't see any danger of boaters not seeing one another.

Motion-Commissioner Lewis moved to close the public hearing. Commissioner Hunt seconded. **Motion carried unanimously.**

Chairman Harris asked Capt. Popiel if this area was classified as navigable waters. Capt. Popiel said anything that you could navigate through and get to the ocean was considered a navigable waterway. Chairman Harris asked if it was listed on any chart as a channel. Capt. Popiel said it showed up on the charts and he referred to the information in the Board's agenda packet. He said it was a waterway that the Coast Guard doesn't mark with Federal aids basically due to the depth of the water. Capt. Popiel said it wasn't a mean low water and it wasn't deep enough to transit so they didn't mark it. Chairman Harris asked if the Wildlife Resources Commission had any regulations on where no wake zones could be placed. Capt. Popiel said, based on their discussions with the Wildlife Commission, it basically came down to the jurisdiction that was over that geographical region. Chairman Harris said he was asking all these questions because he was concerned that the whole area was like a big marsh and establishing a no wake zone in this creek would be setting a precedent. Chairman Harris said there was also a matter of cost. He said County staff had informed him that the County doesn't own a boat that could go into this creek so the placement of the signage would have to be contracted out. He asked if Fort Macon State Park or the Coast Guard could pay for the installation and maintenance of the markers. Capt. Popiel said he didn't think the State Park had the resources but he thought the Coast Guard could do the signage on shore. He said the Coast Guard would be willing to look at cost sharing. Chairman Harris pointed out that no wake zones ultimately cost the County money. He said the most recent one at Cannonsgate was predicated on the boating association absorbing all costs. Capt. Popiel said the Coast Guard had a navigation team that visited federally maintained floating aids on a regular basis and repaired discrepancies. He reiterated that he would be glad to explore cost sharing.

Commissioner Lewis said this wasn't an area of his expertise and he didn't feel he had enough information on the matter; therefore, he would like to table this request until he could spend some time gathering some more information. He pointed out that this was a matter of public safety and he felt the Board should take the time to educate themselves to make sure they made the right decision.

Motion-Commissioner Lewis moved to table this request. Commissioner Robinson seconded.

Commissioner Faircloth asked if the County had the ability to remove a no wake zone. Capt. Popiel wasn't sure but said he felt which ever jurisdiction established the no wake zone should certainly have the authority to remove it. He suggested that the County contact the NC Wildlife Commission for that information.

Commissioner Hunt said he would like a better map in the future, particularly one that showed the proximity to Fort Macon.

Chairman Harris asked Capt. Popiel to find out about the Coast Guard's funding abilities and to provide that information to Ms. Deese.

Commissioner Robinson pointed out that a CAMA permit would be required. He also noted that buoys would be less expensive.

There being no further discussion, Chairman Harris called for a vote on the motion.

Motion carried unanimously.

VIII. CARTERET COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN
A. PUBLIC HEARING
B. RESOLUTION TO ADOPT THE HAZARD MITIGATION PLAN

Background Information

Dale Holland reviewed the information outlined in the following memo to the Board from Jim Jennings:

To: *Board of Commissioners*

**RESOLUTION
BY THE NORTH CAROLINA DIVISION OF PARKS AND RECREATION
REQUESTING "NO WAKE ZONE" ESTABLISHMENT AT
FISHING CREEK, BOGUE SOUND**

WHEREAS, under authority of North Carolina General Statutes, Section 75A-15(A), any provisions of the State of North Carolina may at any time, after public notice, make formal application to the Wildlife Resources Commission for special rules and regulations with reference to safe and reasonable operation of vessels on any water within its territorial limits; and

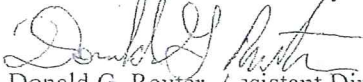
WHEREAS, upon a request by U.S. Coast Guard Sector North Carolina with full concurrence from the North Carolina State Park at Fort Macon, Carteret County has given public notice and conducted a public hearing on November 15, 2010, regarding its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Fishing Creek, Bogue Sound, which is located within the territorial limits of Carteret County, and for the implementation of the Uniform Waterway Marker System in all of the waters of the County; and

WHEREAS, due to the fact that this no wake zone will be located within the jurisdictional waters of the State of North Carolina and the U.S. Coast Guard and will primarily serve to support Recreational Boating Safety, the U.S. Coast Guard agrees to bear all costs associated with materials and installation of signage, and the North Carolina Division of Parks and Recreation has agreed to bear all future costs associated with the establishment of this no wake zone, with regard to public notice advertisements, CAMA permits, signage and all future maintenance of signage, as required by the NC Wildlife Resources Commission.

NOW, THEREFORE BE IT RESOLVED, that in accordance with G.S. 75A-15, the North Carolina Division of Parks and Recreation requests the North Carolina Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Fishing Creek, Bogue Sound, located in said County, the pertinent substance of which proposed regulations is as follows: from position N34-42.270, W 076-42.417 to position N 34-42.280, W 076-41.377, as noted on the map included.

BE IT FURTHER RESOLVED, that the Carteret County Board of Commissioners requests that said Commission promulgate regulations fully implementing the Uniform Waterway Marker System in the above described channel.

ADOPTED, this the 27th day of April 2011.


Donald G. Reuter, Assistant Director
N.C. Division of Parks and Recreation

Foard, Betsy H.

From: Jim Henderson <jhkinetico@gmail.com>
Sent: Tuesday, August 16, 2011 5:29 PM
To: Foard, Betsy H.
Subject: No Wake Zone

I am opposed to the proposed no wake zone here in Carteret County.
What's next...the ICW from the turning basin to the MHC/AB bridge....or from the turning basin to a mile outside the Beaufort Inlet Bar?
Take the money it would cost for Zone designation, signage and enforcement and spend it on treating a real problem here in Carteret County, such as Bogue Inlet's Shoaling!!

Jim Henderson
Morehead City, NC

Foard, Betsy H.

From: Henry Taylor <HCTaylor@nc.rr.com>
Sent: Monday, September 12, 2011 7:54 PM
To: Foard, Betsy H.
Subject: Amendment 15A NCAC 10F.0330

Ms. Betsy Foard
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, North Carolina 27699-1721

Re: Amendment 15A NCAC 10F.0330 (No wake zone in Fishing Creek, Carteret County)

I am writing to oppose the above mentioned amendment in concern of safety.

I have used this "cut through" for many years and I understand the concern of increased boaters in Fishing Creek with numerous oyster beds and the curving narrow channel but I am more concerned with shallow waters at the creek's entrance at Beaufort Inlet.

The entrance is extremely shallow at low tide and in my opinion a boat must be on plane to navigate over the shoal. It is my concern that the changing conditions of this inlet to Fishing Creek would be dangerous for boats entering or exiting under "no wake" speed with shallow waters, large wave action from boat traffic or sea swell at low or high tide.

More research needs to be done regarding the conditions of the entrance and I believe a no wake zone would cause loss of vessels and perhaps life.

Henry Taylor
4004 White Pine Drive
Raleigh, NC 27612
919 280 1990
hctaylor@nc.rr.com

Foard, Betsy H.

From: bbaker51284@aim.com
Sent: Wednesday, September 21, 2011 6:36 AM
To: Foard, Betsy H.
Subject: 15A NCAC 10F.0330

I object to the idea of having the tidal creek between USCG station and Fort Macon made into a no wake zone. With this action, does this mean that we can expect to see other "tidal creeks" made into no wake zones. From what I have seen, the tidal creek being proposed is well monitored by the NC Wildlife officers and/or USCG as I have been stopped at the mouth of the creek myself and seen them checking people there as well. I would understand if this was an actual channel but it is people's responsibility to understand the risk of operating a boat in tidal creeks, shallow waters, and other similar hazardous areas. I would suggest focusing more on boater safety and education rather than making tidal creeks, sandbars, hazardous areas, etc. no wake zones. Thank you for your time.

Sincerely,
Brent Baker
1013 Palmer Way
Morehead City, NC
(252) 725-0202
bbaker51284@aim.com

Foard, Betsy H.

From: Steadman, Tim <SteadmanT@MCNEARY.COM>
Sent: Monday, September 26, 2011 9:47 AM
To: Foard, Betsy H.
Subject: Amendment 15A NCAC 10F.0330

Ms. Betsy Foard
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, North Carolina 27699-1721

Re: Amendment 15A NCAC 10F.0330 (No wake zone in Fishing Creek, Carteret County)

Dear Ms. Foard:

I am writing to oppose the above mentioned amendment.

I have used the "cut through" for many years as a safer means to reach the turning basin area vs. using the current "no wake zone" in front of the Morehead City Port area. The current no wake zone in front of the Morehead City Port area is often crowded with large boats who's operators do not conform to the no wake zones which are already in place. The "cut through" offers a safer, faster means to get to the main body of water. In addition, the inlet to the cut through on the Fort Macon end is very shallow and you can not go across that area without being up on plane. A no wake zone would prevent that from being possible.

Instead of expanding a no wake zone to include the Fishing Creek area I would recommend and suggest that more enforcement be done for the current zones already in place, specifically the Morehead City Port area.

Regards,

Tim Steadman
1428 Bedlington Drive
Charlotte NC 28269

Existing No Wake Zone Between
Morehead City & Atlantic Beach
Carteret County

NWVZ

existing NW buoys

proposed Fishing Cr NW buoys

Federal Channel

0 150 300 Yards

34.70139 N
76.70185 W

34.70307 N
76.68978 W

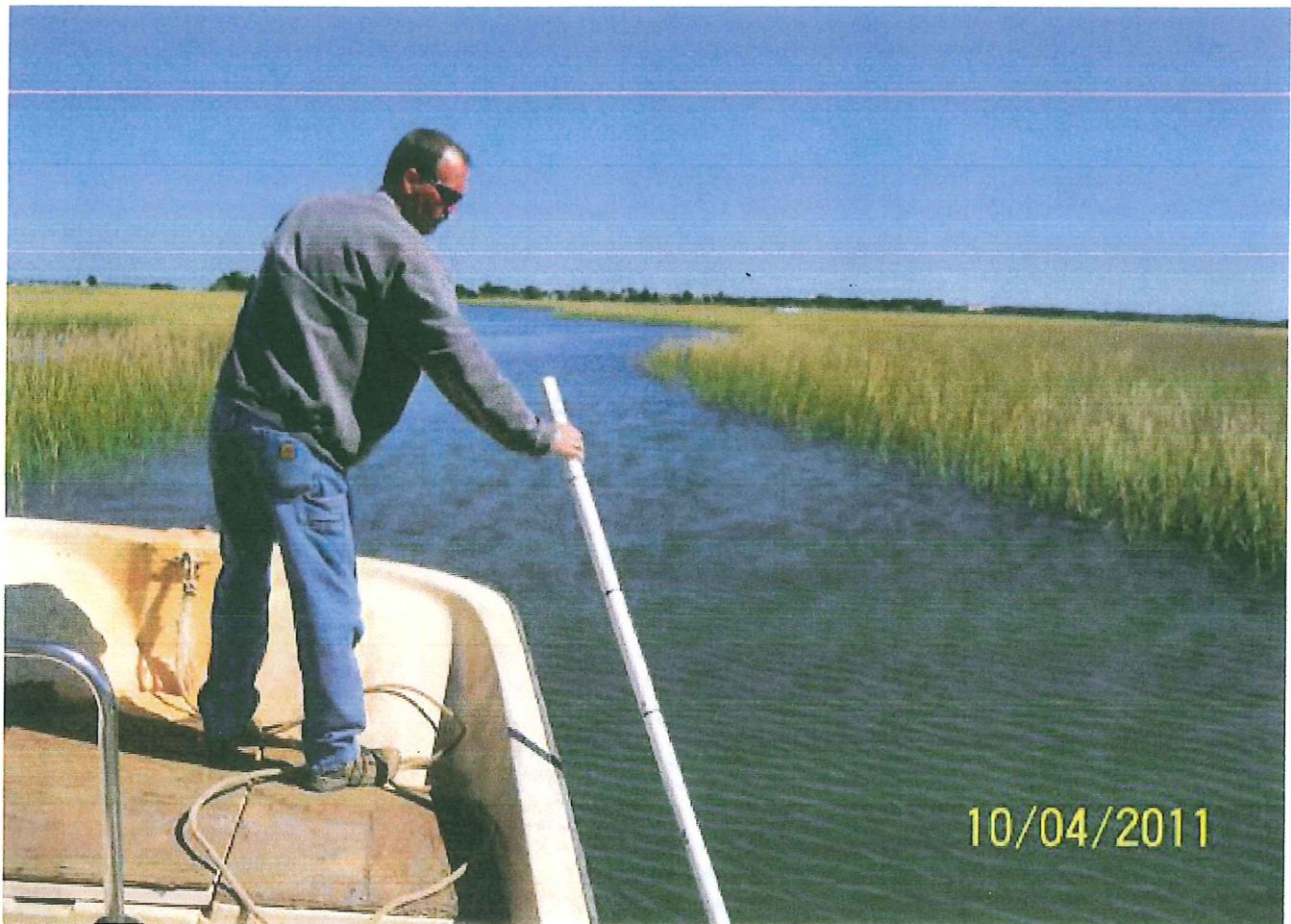
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15A NCAC
10F .0330
(a) (4)

15A NCAC
10F .0330
(a) (7)

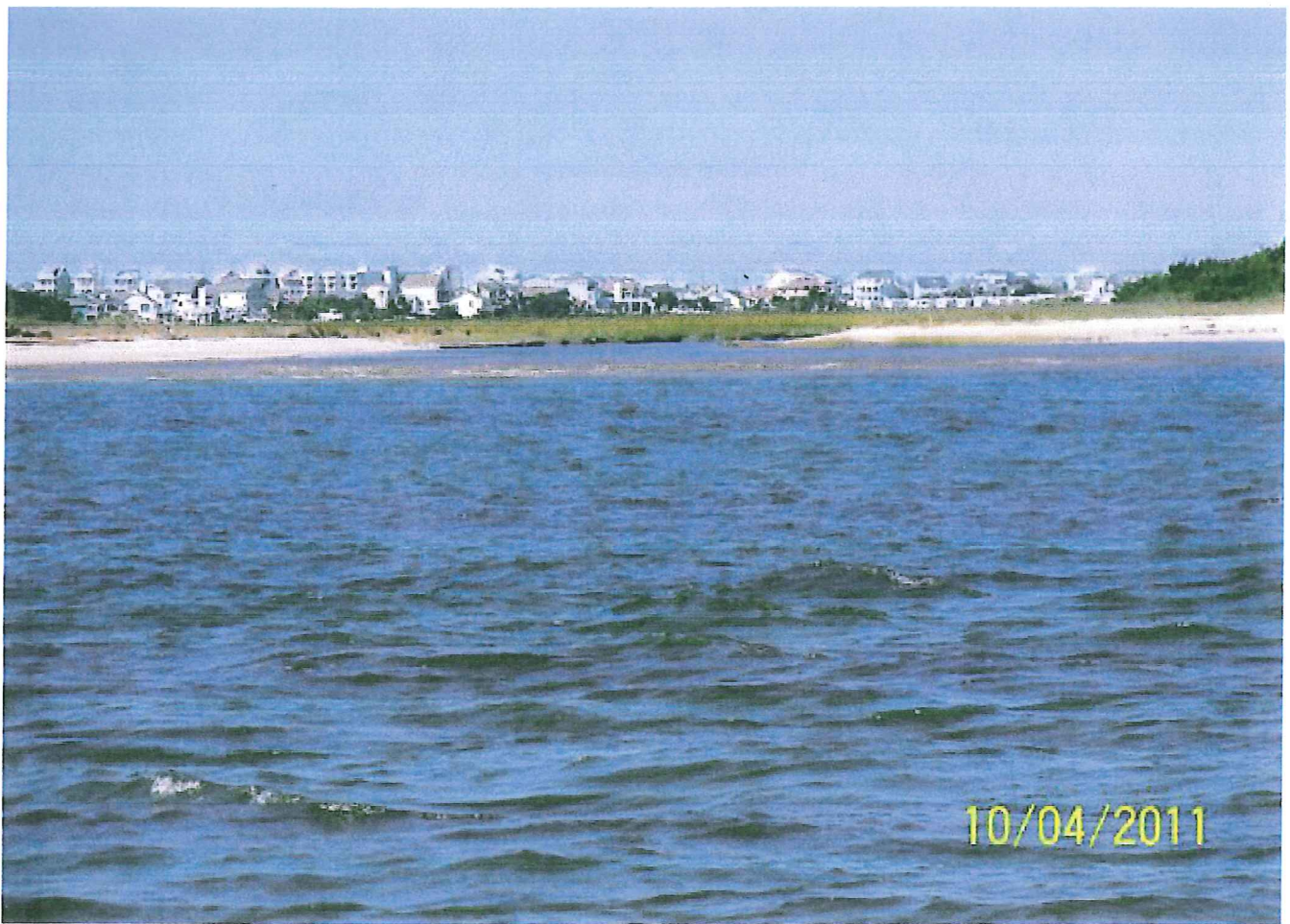
15A NCAC
10F .0330
(a) (12)



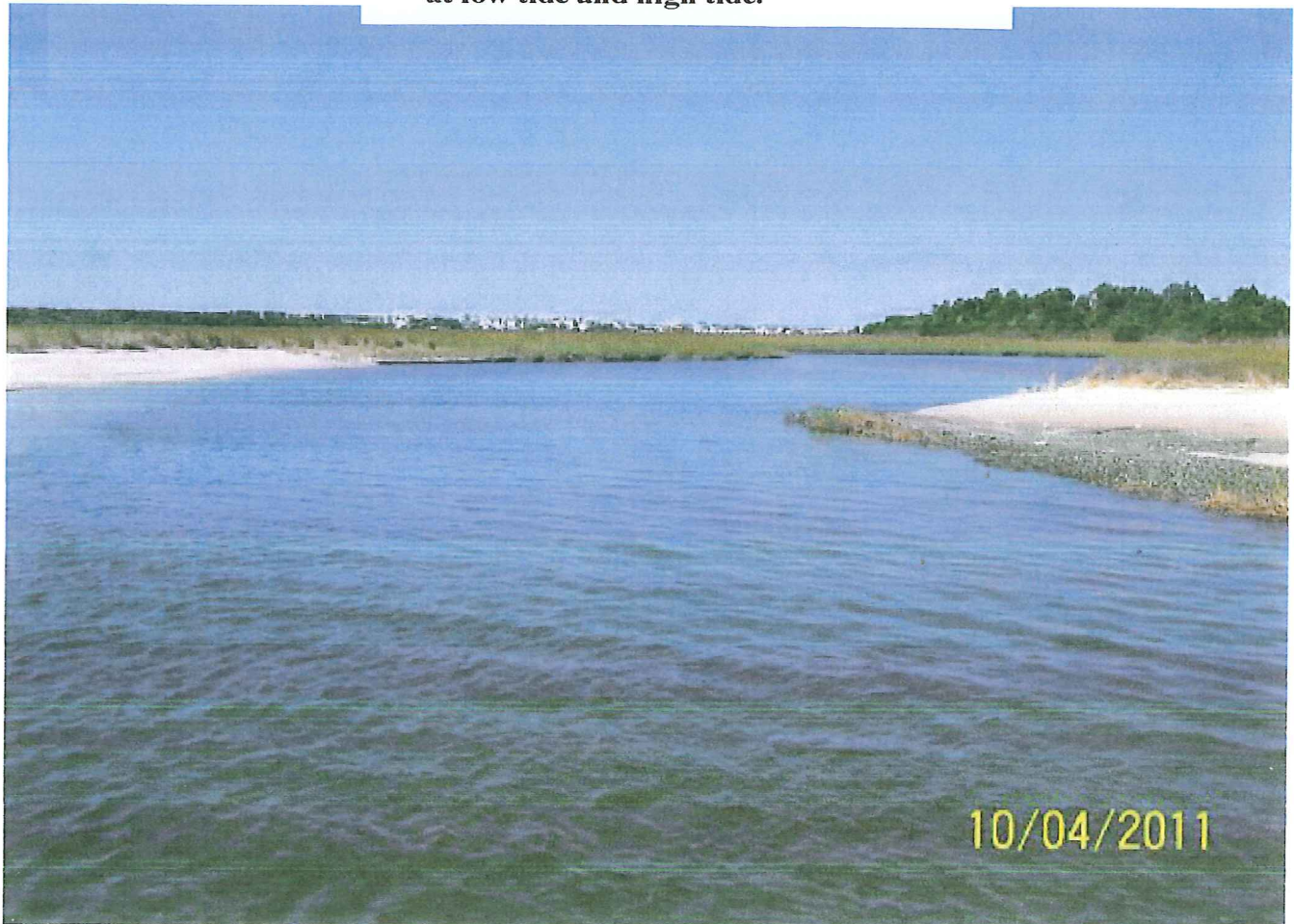


Narrowest part of Fishing Creek





**shoaling on Beaufort Inlet side
at low tide and high tide.**





one foot of water at low tide

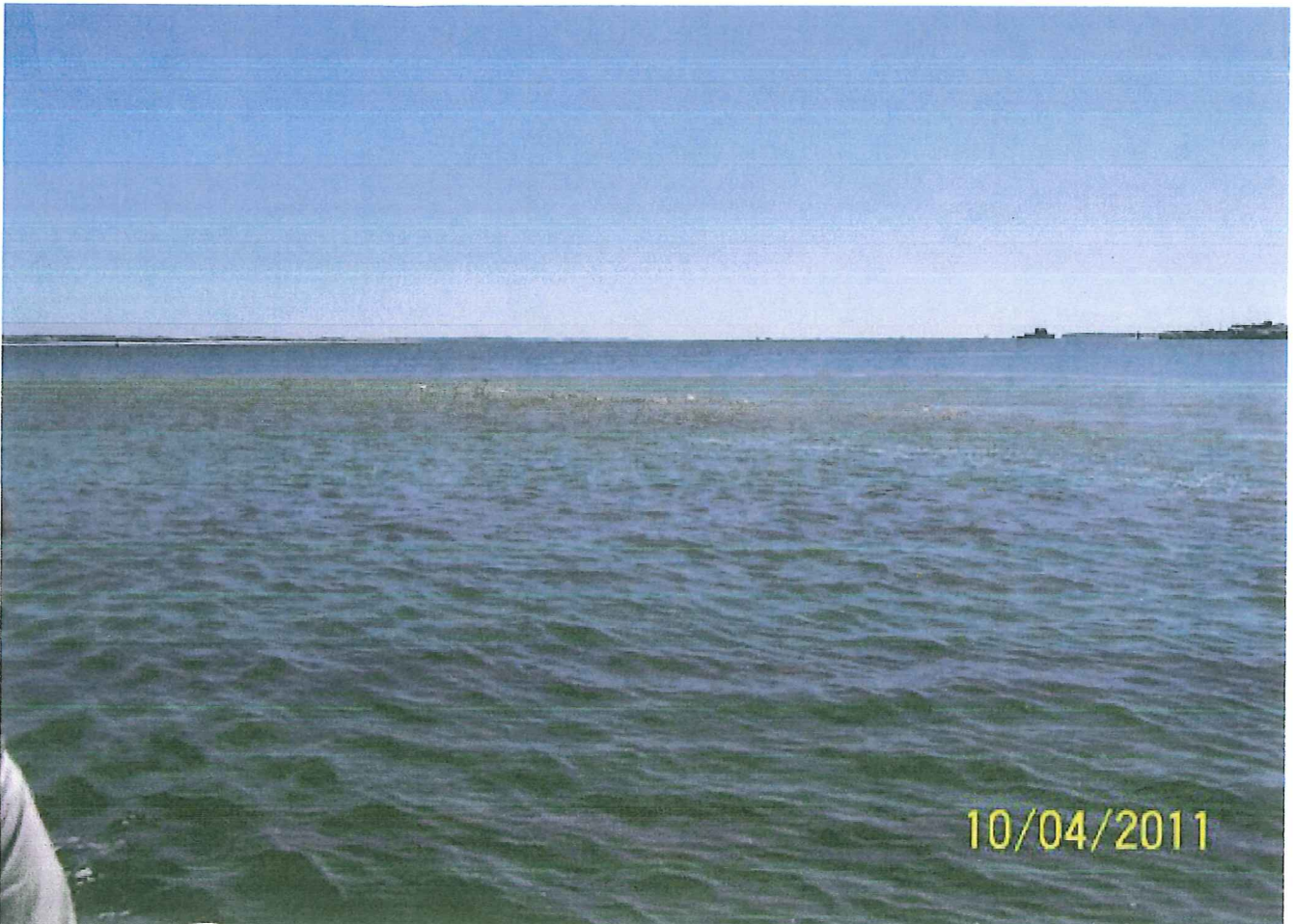


EXHIBIT G

November 10, 2011



PROPOSED 2012 WILDLIFE RESOURCES COMMISSION MEETING SCHEDULE

JANUARY – Thursday, January 12, 2012

[MARCH] - *No Meeting; Committee Meetings TBA*

MAY - Thursday, May 3, 2012

JULY - Friday, July 6, 2012
**** *Meeting must be held the first week in July to meet regulatory deadlines. July 4th is state holiday.***

AUGUST - Thursday, August 30, 2012

OCTOBER – Thursday, October 18, 2012

NOVEMBER - Thursday, November 8, 2012