



AGENDA

N.C. WILDLIFE RESOURCES COMMISSION

August 23, 2017, 9:00 a.m.

N.C. Museum of Natural Sciences Nature Research Center

121 W. Jones Street

Raleigh, N.C.

CALL TO ORDER – *Chairman John Coley*

This meeting is being audio recorded as a public record and will be archived at www.ncwildlife.org. As a courtesy to others please turn off all cell phones during the meeting.

PLEDGE OF ALLEGIANCE – *Commissioner Brad Stanback*

INVOCATION – *Commissioner Hayden Rogers*

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 John Coley*

APPROVAL OF MINUTES – Take action on the July 27, 2017 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 – *Gordon Myers, Executive Director (EXHIBIT B)*

RECOGNITION – EMPLOYEE SERVICE AWARDS – Recognize and present service awards to Wildlife Resources Commission Employees - *Executive Director Gordon Myers*

COMMITTEE REPORTS

Migratory Birds, Waterfowl Committee – *Wes Seegars, Vice-Chair*

Habitat, Nongame and Endangered Species Committee – *Mark Craig, Chair*

Land Use and Access Committee – *Tom Berry, Chair*

Education Committee – *Tommy Fonville and Joe Budd, Co-Chairs*

Committee of the Whole – *Chairman John Coley*

AGENCY SPOTLIGHT – “International Law Enforcement Academy: Building Partnerships for Conservation Law Enforcement” – *Sgt. Chad Arnold, Enforcement Division*

INLAND FISHERIES DIVISION

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

WILDLIFE MANAGEMENT DIVISION

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

WILDLIFE EDUCATION DIVISION

Wildlife Education Update – Receive an update on the activities of the Wildlife Education Division – *Kris Smith, Wildlife Education Division Chief*

LAND AND WATER ACCESS SECTION

Land Acquisitions and Property Matters

Phase I Land Acquisitions – Consider approval for staff to work with State Property Office and funding partners to develop acquisition plans for the following properties – *Brian McRae, Land and Water Access Section Chief (EXHIBITS C-1, C-2, C-3, C-4)*

- Aydlette Tract – Camden County
- Joe’s Island Tract – Pasquotank County
- Rubin Tract – Ashe County
- Vaughn and Dixon Tract – Hertford County

Phase II Land Acquisitions – Consider final approval to proceed with acquisition of the following properties – *Brian McRae (EXHIBITS D-1, D-2)*

- Carswell Tract – Burke County
- Galloway Tract – Rockingham County

Field Trial Schedule – Consider approval of the 2017-2018 Running Schedule for the J. Robert Gordon Sandhills Field Trial Area – *Brian McRae (EXHIBIT E)*

RULES

Notice of Text – 15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation – Review Fiscal Note and consider request to approve publishing Notice of Text in the NC Register for proposed adoption of 15A NCAC 10H .1400 Rules, hold three public hearings, and open the public comment period – *Carrie Ruhlman, Rulemaking Coordinator (EXHIBIT F-1, F-2)*

Notice of Text – 15A NCAC 10F .0300 – Local Water Safety Regulations – Review Fiscal Note and consider request to approve publishing Notice of Text in the NC Register for proposed amendments to 27 water safety regulations, hold one public hearing, and open the public comment period – *Betsy Haywood, No-Wake Zone Coordinator (EXHIBITS G-1, G-2)*

2017 Periodic Review of Rules – Review comments received and make final determinations on 10B, 10C, and 03Q .0100 Rules – *Carrie Ruhlman (EXHIBITS H, I, J, K)*

2018 STATEWIDE PUBLIC HEARINGS SCHEDULE – Consider adoption of a schedule for statewide public hearings in January 2018 for proposed Rules – *Gordon Myers (EXHIBIT L)*

COMMENTS BY CHAIRMAN – *John Coley*

COMMENTS BY EXECUTIVE DIRECTOR – *Gordon Myers*

ADJOURN

EXHIBIT A
August 23, 2017



MINUTES
July 27, 2017
N. C. Wildlife Resources Commission Meeting
Raleigh, North Carolina

The July 27, 2017 N. C. Wildlife Resources Commission meeting was called to order by *Commission Chairman* John Litton Clark at 9:05 a.m. in the Commission Room at Wildlife Resources Commission Headquarters in Raleigh. Clark reminded everyone that the meeting audio is being streamed live and will be available on the Wildlife Resources Commission website. He requested that everyone silence electronic devices. Commissioners Joe Budd and Brian White were absent.

Commissioner Garry Spence led the Pledge of Allegiance.

Commissioner John Coley gave the invocation.

WELCOME AND MANDATORY ETHICS INQUIRY

Chairman Clark welcomed the Commissioners and guests. Chairman Clark advised the Commission of the mandatory ethics inquiry as mandated in North Carolina General Statute 138A-15(e). Commissioner Landon Zimmer recused himself from discussion and vote on **Exhibit H**, NCDOT Easements at the John E. Pechmann Education Center.

COMMISSIONER ATTENDANCE

John Litton Clark
Richard Edwards
Nat Harris
Monty Crump
John Coley
Landon Zimmer
Hayden Rogers
John Stone
Mike Johnson

Ray Clifton
Wes Seegars
Garry Spence
David Hoyle
Tom Berry
Mark Craig
Tommy Fonville
Brad Stanback

VISITORS

Governor Roy Cooper	Adeline Belcher
Zach Godwin	Thomas Belcher
Scott Poltzman – NCNHP	Meredith Wojcik – NCNHP
Judith Ratcliffe – NCNHP	Derrick Halberg – Tar River Land Conservancy
Nathan Shepard – NCNHP	Matt Dunn – NCBG
Jamie Amoroso – NCNHP	Stephanie Horton – NC Museum of Nat. Sciences
Jeff Bean – NCSM	Harry LeGrand
Anne Braswell – NC Office of Rural Health	Donna Tipton-Rogers
Locklan Rogers	Torin Rogers
Cole Jordan – Governor’s Office	NC Secretary of State Elaine Marshall
David Knight – NC Wildlife Federation	Ned Jones – NC Trout Unlimited
Liz Rutledge – NCWF	Robert Smith – NC Wild Turkey Federation
Bill Collart – NCNWTF	Tom Earnhart
Mike Seamster	Barbara Seamster
Katie Hendrickson – Governor’s Office	Deborah Fowler – Wake Co. Parks and Rec.
Kelsie Barbee	Alvin Braswell – NC Museum of Natural Science
Jan Weems – NCMNS	Wilson Laney - USFWS
Linda Pearsall – NCNHP	Blake Russell
Tiffany Russell	Michael Russell
Jaci Russell	Hailey Russell
Brandon Belcher	Julane Belcher
Amy Edge – Tar River Land Conservancy	Lesley Starke –NC Plant Conservation Prog.
Steve Hall – NC Biodiversity Project	Heather Lisle – Museum of Natural Sciences
Bryan Stuart - NCMNS	Rachael Troutman – NCMNS
Laura Robinson – NC Natural Heritage Program	

PRESENTATION OF THE ORDER OF THE LONG LEAF PINE

Governor Roy Cooper thanked the board for the service they provide to the State and welcomed the new board members. Governor Cooper then presented the Order of the Long Leaf Pine Award to Commissioner Wes Seegars. Governor Cooper thanked Seegars for his many years of public service to North Carolina, noting that Seegars has served on State boards including the Wildlife Resources Commission, and on boards for military bases. Seegars thanked Governor Cooper and said it is a privilege and honor to serve with Commissioners and with agency staff.

NOTICE OF COMMISSION APPOINTMENTS

The Commission received Notices of Appointment by *House Speaker* Tim Moore of V. Ray Clifton, John A. Stone, John T. Coley IV, and Tommy Fonville for terms ending June 30, 2019; by President Pro Tempore Phil Berger of Mark Craig, Garry Spence, Thomas A. Berry, and Landon Zimmer for terms ending June 30, 2019; and Notices of Appointment by *Governor* Roy Cooper of N. Weston Seegars – District 3; Monty R. Crump – District 6; and Bradford G. Stanback – District 9 for terms ending April 25, 2023; and Hayden Rogers - at Large and David W. Hoyle, Jr.- at Large for terms ending June 30, 2021. **EXHIBITS A-1, A-2, A-3, A-4, A-5, A-6, A-7** are incorporated into the official record of this meeting.

NC STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT REVIEW OF 2017 STATEMENTS OF ECONOMIC INTEREST

Pursuant to NCGS §138A-15(c), Betsy Haywood, *Ethics Liaison*, read into the minutes relevant portions of evaluations by the NC State Board of Elections and Ethics Enforcement of the 2017 Statements of Economic Interest for Commissioners Monty R. Crump and Bradford G. Stanback. The reviews are incorporated by reference into the official record of this meeting.

SWEARING IN OF COMMISSIONERS

North Carolina Secretary of State Elaine Marshall administered the Oath of Office to Governor appointees Monty R. Crump, District 6; Bradford Stanback, District 9; Wes Seegars, District 3; and Hayden Rogers and David Hoyle, Jr., At Large Commissioners.

BREAK FOR PHOTOGRAPHS

Chairman John Litton Clark called a brief recess so that photographs could be taken. The meeting reconvened at 9:30.

APRIL 20, 2017 MINUTES

On a motion by Nat Harris and second by Mike Johnson, the Commission approved the April 20, 2017 Wildlife Resources Commission minutes as presented in **EXHIBIT B**. **EXHIBIT B** is incorporated into the official record of this meeting.

APRIL 24, 2017 TELEPHONIC MEETING MINUTES

On a motion by Nat Harris and second by Wes Seegars, the Commission approved the minutes of the April 24, 2017 telephonic meeting of the Wildlife Resources Commission, presented in **EXHIBIT C**. **EXHIBIT C** is incorporated into the official record of this meeting.

JUNE 5, 2017 TELEPHONIC MEETING MINUTES

On a motion by Wes Seegars and second by John Coley, the Commission approved the minutes of the June 5, 2017 telephonic meeting of the Wildlife Resources Commission, presented in **EXHIBIT C-1**. **EXHIBIT C-1** is incorporated into the official record of this meeting.

FINANCIAL STATUS REPORT

Gordon Myers, *Executive Director*, presented in **EXHIBIT D** the Wildlife Operating Fund and the Wildlife Endowment Fund as of June 30, 2017. Receipts totaled \$87,679,948.50. Expenditures totaled \$86,826,705.20. The Endowment Fund totaled \$121,961,358, of which expendable interest is \$26,959,600. **EXHIBIT D** is incorporated into the official record of this meeting.

RECOGNITION OF 2017 NATIONAL FISHING AND BOATING WEEK LICENSE WINNERS

Chairman John Litton Clark presented a Lifetime Unified Sportsman License, donated by Russell Rhodes of Neuse Sport Shop in Kinston, to prize winner Blake Russell of Edenton; and a Lifetime Freshwater Fishing License donated by the NC Council of Trout Unlimited to prize winner Adeline Belcher of Edenton. The names of Russell and Belcher were drawn at fishing events held during the 2017 National Fishing and Boating Week.

2017 THOMAS L. QUAY WILDLIFE DIVERSITY AWARD PRESENTATION

Executive Director Gordon Myers presented the 2017 Thomas L. Quay Wildlife Diversity Award to Alvin Braswell, Emeritus Research Curator at the NC Museum of Natural Sciences. Braswell, a former student of Dr. Quay, has written books about reptiles and amphibians and helped found the NC Herpetological Society. Myers presented Braswell with a Resolution in his honor, adopted by acclamation, and a plaque painted by artist Duane Raver.

RECOGNITION OF MIKE SEAMSTER, RETIRED WRC WILD TURKEY BIOLOGIST

The Commission recognized retired WRC employee Michael H. Seamster for his work to successfully restore the wild turkey population in North Carolina and for the publication he wrote for the WRC, entitled *A History of Wild Turkey Management in North Carolina*. Director Gordon Myers presented Seamster an inscribed copy of the publication.

EMPLOYEE SERVICE AWARDS RECOGNITION – *Executive Director* Gordon Myers presented service awards to WRC employees David Varel, *Engineering* – 5 years; Brandon Sherrill, *Wildlife Management Division* – 5 years; Keith (Brady) Beck, *Land and Water Access Section* – 20 years; Dean Barbee, *Engineering* – 30 years; and Nancy Boykin, *Law Enforcement Division* - 35 years.

BREAK FOR PHOTOGRAPHS

Chairman Clark called a short recess so that photographs could be taken. The meeting reconvened at 10:30.

COMMITTEE REPORTS

Habitat, Nongame and Endangered Species Committee Report – Mark Craig, *Chair*, reported that the HNGES Committee met on July 26, 2017. Dr. Steven Dinkelacker gave a presentation about his alligator research in Hyde County. Allen Boynton gave a review of public input on the Draft Alligator Management Plan and highlighted the revisions to the draft plan. Shannon Deaton presented recommendations for the 2017 Nongame Wildlife Advisory Committee nominations to be considered for a vote at the WRC meeting.

Boating Safety Committee Report - Ray Clifton, *Chair*, reported that the Boating Safety Committee met on July 26, 2017. Betsy Haywood reviewed proposed final adoptions of water safety rules in Beaufort County, Burke County, and McDowell County. Brian McRae reviewed the new buoy maintenance program for existing no-wake zones. Colonel Jon Evans reported about pre-launch safety checks, the On the Road, on the Water and Operation Drywater campaigns, and the Boating Safety Education campaign. Boating fatalities so far this year are the lowest in a decade. Of eight fatalities, five were boaters not wearing personal flotation devices.

Fisheries Committee Report – Tommy Fonville reported that the Fisheries Committee met on July 26, 2017. Chad Thomas and Kyle Rachels gave a report about striped bass in the Central Southern Management Unit. Recruitment is limited in the Tar and Neuse Rivers with nearly 100 percent of the striped bass sampled identified as originating from hatcheries. Study results suggest that gill net effort is a driving factor of mortality of striped bass.

Land Use and Access Committee Report – Tom Berry, *Chair*, reported that the Land Use and Access Committee met on July 26, 2017. Brian McRae provided a summary of the process that is used to prioritize Phase I acquisition projects and asked that commissioners provide feedback on prioritization criteria. He reviewed three Phase II land acquisitions for final adoption. McRae also reviewed an easement request from the NC Department of Transportation for construction easements at the John E. Pechmann Education Center. He reviewed a request to proceed with demolition of the office building at the Sandhills Depot. The committee discussed final approval to design and construct a boating access area and shooting range facility in Northampton County.

Migratory Birds and Waterfowl Committee Report – Richard Edwards, *Chair*, reported that the Migratory Birds and Waterfowl Committee met on July 26, 2017. The committee discussed HB 559, which gives authority to lift the prohibition of Sunday waterfowl hunting after March 1, 2018, if the WRC chooses to promulgate rules. The WRC must complete study to examine biological, economic and social impacts associated with hunting migratory birds on Sunday by March 1, 2018.

Big Game Committee Report – Wes Seegars reported that the Big Game Committee met on July 26, 2017. David Sawyer gave a report from the 2017 Deer Forums and evaluation of deer hunting season structures statewide. Dr. David Cobb gave a report about a July 12, 2017 meeting with western NC bear hunters. Discussion was held about the implications of potential changes in deer seasons on the bear season in western North Carolina. Dr. Cobb reviewed rule proposals pertaining to big game for 2018-2019.

Committee of the Whole Report – *Chairman* John Litton Clark reported that the COW met on July 26, 2017. Carrie Ruhlman explained rulemaking for amendments to the rule for wild turkey. Under the Periodic Review of Rules she discussed proposed changes to Falconry and Taxidermy rules. The Commission will consider approval to submit Notice of Text and publication in the NC Register with public hearings and an open comment period. Shannon Deaton reviewed public comments and the state species listing proposals for consideration by the WRC on July 27, 2017. Gordon Myers presented a draft resolution in support of the Interstate Wildlife Violator Compact. He gave an overview of legislative budget cuts and changing agency fund designations. He discussed the recent IRS determination regarding taxation on Commission per diems, retroactive to January 1, 2017.

AGENCY SPOTLIGHT – NORTH CAROLINA’S NATIONAL ARCHERY IN THE SCHOOLS PROGRAM – Lee Scripture, *Archery Education Coordinator*

Lee Scripture, *NASP Coordinator*, presented a spotlight about promoting archery education in schools. NASP started in Kentucky in 2001 and was designed to provide archery education in schools, focusing on urban areas. In 2006, the program started in North Carolina. Interest in archery has increased, with 2.3 million youth this year being taught nationwide. Scripture discussed the archery curriculum and training for instructors. Standard equipment is used and it is universally adaptable for youth. Fifty-one NC schools are participating this year, with a cost to each school of \$750.00.

NONGAME WILDLIFE ADVISORY COMMITTEE APPOINTMENTS

On a motion by Mark Craig and second by John Coley, the Commission appointed seven members to the Nongame Wildlife Advisory Committee: Government affiliates Judith Ratcliffe, DNCR, and Dr. Wilson Laney, USFWS; Expert Affiliates Ann Somers, UNC – Greensboro, and Dr. David Webster, UNC – Wilmington; and At-Large Affiliates Toni O’Neil, Possumwood Acres Wildlife Sanctuary, Dr. Joe Poston, Catawba College, and Dr. Liz Rutledge, NC Wildlife Federation. **EXHIBIT E**, the NWAC Nominations, is incorporated into the official record of this meeting.

INLAND FISHERIES

Inland Fisheries Update

Christian Waters, *Inland Fisheries Division Chief*, gave an update about the activities of the Inland Fisheries Division. Waters mentioned fish kills resulting from heat and drought at Mountain Island Lake and Badin Lake. He mentioned issues with algae blooms in the Chowan River. Christian reported on current research for largemouth bass at Lake Mattamuskeet, hybrid striped bass at Lake Norman, and an economic study for inland recreational fishing. The agency is also partnering with universities for research studies on hickory shad, non-native catfish, wild trout, freshwater mussels, and crayfish.

WILDLIFE MANAGEMENT

Wildlife Management Update

Dr. David Cobb, *Wildlife Management Division Chief*, gave an update about the activities of the Wildlife Management Division. Coyote management workshops will be held on July 20 and August 2, and workshops continue to run through September 19, 2017. The workshops are popular with constituents statewide. The Commission will vote on the Alligator Management Plan in October. This is the peak season for work on game lands and for wildlife surveys, including upcoming alligator surveys in Brunswick and Columbus counties which is an agency wide project, Research is planned for double crested cormorants; staff have completed a collaborative coastwide survey of water birds; staff conducted the first Saltmarsh Habitat and Avian Research Program (SHARP) survey; and staff are working on research for black ducks.

HABITAT CONSERVATION UPDATE

Shannon Deaton, *Habitat Conservation Division Chief*, gave an update about the activities of the Habitat Conservation Division. The newly revised Wildlife Action Plan is being rolled out statewide. The roll out began with meetings with partners. Five workshops have been held. Deaton discussed recent funding secured to remove a dam for passage by the brook floater.

CHANGES IN STATE LISTED SPECIES REGULATIONS FOR 2017

The Commission reviewed in **EXHIBIT F-1** the summary of public comments on proposed changes to the state listed species regulations for 2017. On a motion by Mark Craig and second by Tom Berry, the Commission adopted **EXHIBIT F-2**, proposed changes in state listed species regulations for 2017. **EXHIBITS F-1 and F-2** are incorporated into the official record of this meeting.

Endangered Species

- 1) Add the following species to the list of state endangered species: Common Tern, Gopher Frog, Henslow's Sparrow, Longsolid, Ornate Chorus Frog, River Frog, Sharpnose Darter, and Wayne's Black-throated Green Warbler.
15A NCAC 10I .0103 Endangered Species Listed
- 2) Remove the following species from the list of state endangered species: Green Salamander, Neuse Spike, and Wood Stork.
15A NCAC 10I .0103 Endangered Species Listed
- 3) Make technical corrections of the common name or scientific name of the following species: Dwarf Wedgemussel, Kirtland's Warbler, Littlewing Pearlymussel, and Roseate Tern.
15A NCAC 10I .0103 Endangered Species Listed

Threatened Species

- 1) Add the following species to the list of state threatened species: Caspian Tern, Green Salamander, Mabee's Salamander, Mimic Shiner, Notched Rainbow, Northern Pine Snake, Rainbow, Southern Hognose Snake, and Wood Stork.
15A NCAC 10I .0104 Threatened Species Listed
- 2) Remove the following species from the list of state threatened species: American Brook Lamprey, Banded Sculpin, Blackbanded Darter, Clingman Covert, Gopher Frog, Roanoke Slabshell, and Seep Mudalia.
15A NCAC 10I .0104 Threatened Species Listed
- 3) Make technical corrections of the common name or scientific name of the following species: Bigeye Jumprock, Gull-billed Tern, Northern Long-eared Bat, Red Knot, and Spotfin Chub.
15A NCAC 10I .0104 Threatened Species Listed

Special Concern Species

- 1) Add the following species to the list of state special concern species: American Brook Lamprey, Banded Sculpin, Barn Owl, Blackbanded Darter, Carolina Swamp Snake, Clingman Covert, Cumberland Slider, Dwarf Black-bellied Salamander, Eastern Chicken Turtle, Gray Treefrog, Ohio Lamprey, Ridged Lioplax, Roanoke Slabshell, and Seep Mudalia.
15A NCAC 10I .0105 Special Concern Species Listed
- 2) Remove the following species from the list of state special concern species: Common Tern, Henslow's Sparrow, Olive-sided Flycatcher, Notched Rainbow, Northern Pine Snake, Rainbow, River Frog, Riverweed Darter, Sharpnose Darter, Southern Hognose Snake, Southern Rock Shrew, Southern Water Shrew, Waccamaw Lampmussel, and Yellow-bellied Sapsucker.
15A NCAC 10I .0105 Special Concern Species Listed
- 3) Make technical corrections of the scientific name of the following species: Bachman's Sparrow, Cerulean Warbler, and Least Tern.
15A NCAC 10I .0105 Special Concern Species Listed

PROPERTY MATTERS

Phase II Land Acquisitions

Upon a motion by Tom Berry and second by Richard Edwards, the Commission gave final approval to proceed with the acquisition of the following properties presented in **EXHIBITS G-1, G-2, G-3** by Brian McRae, *Land and Water Access Section Chief*:

- NFWF Tracts – McDowell and Rutherford counties (G-1)
- Wood Tract – Jackson County (G-2)
- Stainback Tract – Onslow County (G-3)

EXHIBITS G-1 through G-3 are incorporated into the official record of this meeting.

Easement Requests – NC Department of Transportation

With Commissioner Landon Zimmer recused from discussion and vote, the Commission approved a request from the NC Department of Transportation, presented by Brian McRae in **EXHIBIT H**, for permanent and temporary construction easements on land at John E. Pechmann Education Center. The motion was made by Tom Berry and seconded by John Coley.

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

Property Disposal – Sandhills Depot

On a motion by Tom Berry and second by John Coley, the Commission approved **EXHIBIT I** presented by Brian McRae, to proceed with demolition of the office building at the Sandhills Depot. **EXHIBIT I** is incorporated into the official record of this meeting.

Multi-use Facility, Northampton County

On a motion by Tom Berry and second by Tommy Fonville, the Commission gave final approval to design and construct a boating access area and shooting range facility in Northampton County, presented in **EXHIBIT J** by Erik Christofferson, *Deputy Director of Operations*. Staff was directed to work with NCDOT to aggressively avoid cost overruns with the shooting range facility. **EXHIBIT J** is incorporated into the official record of this meeting.

Resolution in Support of Interstate Wildlife Violator Compact

On a motion by Mike Johnson and second by Brad Stanback, the Commission adopted a Resolution of Ratification of the Interstate Wildlife Compact as presented by Director Gordon Myers in **EXHIBIT K**. The Resolution is incorporated by reference into the official record of this meeting.

RULEMAKING

Notice of Text – Wild Turkey Rule Amendments

On a motion by Garry Spence and second by John Coley, the Commission approved publishing Notice of Text in the NC Register, holding one public hearing, and opening the public comment period for proposed amendments to 15A NCAC 10B .0209 – Wild Turkey, presented in **EXHIBIT L** by Carrie Ruhlman, *Rulemaking Coordinator*. The exhibit is incorporated into the official record of this meeting.

2016 Periodic Review – Falconry Amendments

On a motion by Garry Spence and second by John Coley, the Commission approved publishing Notice of Text in the NC Register, holding one public hearing, and opening the public comment period for proposed changes to 15A NCAC 10H .0800 – Falconry, presented by Carrie Ruhlman. **EXHIBIT M** is incorporated into the official record of this meeting.

2016 Periodic Review – Taxidermy Amendments

On a motion by Garry Spence and second by John Coley, the Commission approved publishing Notice of Text in the NC Register, holding one public hearing, and opening the public comment period for proposed changes to 15A NCAC 10H .1000 – Taxidermy, presented by Carrie Ruhlman. **EXHIBIT N** is incorporated into the official record of this meeting.

WATER SAFETY RULEMAKING

Adoption of Permanent Rule Amendments in Beaufort, Burke, and McDowell Counties

Upon a motion by Nat Harris and second by Wes Seegars, the Commission adopted permanent amendments to the following no-wake zone rules presented in **EXHIBITS O, P, and Q** by Betsy Haywood, *No Wake Zone Coordinator*:

- 15A NCAC 10F .0303 – Beaufort County, amendment for a no-wake zone in the waters of Little Creek, a tributary of Blounts Creek.
- 15A NCAC 10F .0323 – Burke County on Lake James, amendment to establish a no-wake zone in the waters of Sherman’s Hollow Cove and contiguous with the waters within 50 yards of the shoreline of Linville Point.
- 15A NCAC 10F .0339 – McDowell County on Lake James, amendments to extend the no-wake zone near the Marion Moose Club - 10F .0339 (a)(2); to establish a no-wake zone within 50 yards of the peninsula at Waterglyn Shores Subdivision - 10F .0339 (a)(13); to better define the no-wake zone in Plantation Point Cove - 10F .0339 (a)(9); to establish a no-wake zone within 50 yards of the Hidden Cove Boating Access Area - 10F .0339 (a)(14); and to remove from the North Carolina Administrative Code the amendments for no-wake zones at Goodman’s Campground and Deerfield Campground.

EXHIBITS O, P, and Q are incorporated into the official record of this meeting.

ADDITION OF AUGUST 23, 2017 MEETING OF THE WILDLIFE RESOURCES COMMISSION

On a motion by Ray Clifton and second by Mike Johnson, the Commission voted to add a meeting of the Wildlife Resources Commission on Wednesday, August 23, 2017 at the Nature Research Center of the NC Museum of Natural Sciences. **EXHIBIT R** is incorporated into the official record of this meeting.

ELECTION OF OFFICERS

Garry Spence nominated David Hoyle, Jr. to be Vice Chairman of the WRC. There were no other nominations from the floor. Ray Clifton made a motion to elect David Hoyle, Jr. as Vice Chairman. The motion was seconded by Garry Spence and was unanimously adopted.

Tom Berry nominated John Coley IV to be Chairman of the WRC. There were no other nominations from the floor. Tom Berry made a motion to elect John Coley IV as Chairman. The motion was seconded by Tommy Fonville and was unanimously adopted.

COMMENTS BY CHAIRMAN JOHN LITTON CLARK

Chairman John Litton Clark stated that it has been a privilege to serve as Commission Chairman. He thanked former Chairmen Wes Seegars, Steve Windham, David Hoyle, Jr., and Jim Cogdell for their leadership and knowledge of the role as Chairman. Clark thanked staff for their efforts on behalf of the Commission. He thanked Director Gordon Myers for his knowledge and professionalism.

COMMENTS BY THE EXECUTIVE DIRECTOR

Executive Director Gordon Myers recognized Sara Sherman, *Engineering Section*, for receiving a national award for the design of the Vandemere Boating Access Area. Sherman will receive the award in Alaska. Myers thanked Chairman John Litton Clark for his strong, smart and decisive leadership.

COMMENTS BY CHAIRMAN JOHN COLEY

Chairman John Coley thanked Tom Berry for nominating him to be Chairman. He thanked Commissioners and staff for their assistance and knowledge. Coley congratulated new Commissioners.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman John Coley at 11:55 am.

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

John Litton Clark, Chairman

Date

Gordon Myers, Executive Director

Date

EXHIBIT B

August 23, 2017

CASH BALANCE REPORT



Week Ending
August 21, 2017

Cash Balance by Budget Code 14350		Cur Wk Operating 8/21/17	Cur Wk Operating 8/14/2017	Difference	Comments:	Total Cur Wk 14350
Cash Balance		\$ 1,225,579.87	\$ 1,225,579.87	\$ -		\$ 1,225,579.87

Cash Balance by Budget Code 24350	Fund	Cur Wk Operating 8/21/17	Prior Wk Operating 8/14/17	Difference		Total Cur Wk 24350
Admin Policy and Regulation	2101	1,790.18	1,426.83	\$ 363.35	Check Write Expenditures/ Other Sales of Goods	\$ 1,790.18
Controllers Office	2111	432.46	432.46	\$ -		\$ 432.46
Customer Support Services	2112	12,444.84	3,436.67	\$ 9,008.17	Sale of Federal Stamps/Fines & Penalties Fees/Registration Fees	\$ 12,444.84
Information Technology	2113	62.40	62.40	\$ -		\$ 62.40
Watercraft Reg/Titling	2114	0.96	0.96	\$ -		\$ 0.96
Purchasing and Distribution	2115	53.45	53.45	\$ -		\$ 53.45
Budget and Planning	2116	0.25	0.25	\$ -		\$ 0.25
Human Resources	2117	0.51	0.51	\$ -		\$ 0.51
Enforcement	2121	271,533.77	271,533.77	\$ -		\$ 271,533.77
Wildlife Education	2131	20,300.95	19,471.71	\$ 829.24	Other sale of Goods	\$ 20,300.95
Pisgah Education Center	2132	0.00	0.00	\$ -		\$ -
Centennial Education Center	2133	0.00	0.00	\$ -		\$ -
Outer Banks Education Center	2134	0.00	0.00	\$ -		\$ -
Publications	2135	122,745.94	110,722.44	\$ 12,023.50	Sale of Calendars/ One year Subscription/ Professional Services	\$ 122,745.94
Inland Fisheries	2141	7,543.52	7,463.52	\$ 80.00	Application Fee	\$ 7,543.52
Aquatic Wildlife Diversity	2142	0.00	0.00	\$ -		\$ -
Wildlife Management	2151	37,575.31	1,107.82	\$ 36,467.49	State of Grant-EEP	\$ 37,575.31
Wildlife Diversity Program	2152	0.00	0.00	\$ -		\$ -
Waterfowl Program	2154	0.00	0.00	\$ -		\$ -
Engineering Water Access	2161	498,866.96	498,866.96	\$ -		\$ 498,866.96
Engineering and Facility Management	2162	7,128.56	7,128.56	\$ -		\$ 7,128.56
Engineering Services - Wise Program	2163	35,626.72	37,210.19	\$ (1,583.47)	Check Write Expenditures	\$ 35,626.72
Falls/Jordan Lake	2165	1,224,138.97	1,226,488.80	\$ (2,349.83)	Check Write Expenditures	\$ 1,224,138.97
Gamelands Operation and Management	2166	235,709.08	235,709.08	\$ -		\$ 235,709.08
Wildlife Appropriations/Fund Receipts	2171	14,853.25	11,752.09	\$ 3,101.16	Professional Services- Administration Fees/ Sales of other License Permits	\$ 14,853.25
Habitat Conservation	2181	0.00	0.00	\$ -		\$ -
Outdoor Heritage/Advisory Council		0.00	0.00	\$ -		\$ -
Wildlife Receipts - Interest Bearing		0.00	0.00	\$ -		\$ -
		\$ 2,490,808.08	\$ 2,432,868.47	\$ 57,939.61		\$ 2,490,808.08

Cash Balance by Budget Code 24351	Fund	Cur Wk Operating	Cur Wk Operating	Difference		Total Cur Wk
		8/21/17	8/14/17			24351
Customer Support Services	2212	7,022.11	\$ 6,607.11	\$ 415.00	Other Sales & Services	\$ 7,022.11
Enforcement	2221	16,457.58	\$ 16,457.58	\$ -		\$ 16,457.58
Inland Fisheries	2241	11,946.83	\$ 11,946.83	\$ -		\$ 11,946.83
Aquatic Wildlife Diversity	2242	45,058.46	\$ 47,741.44	\$ (2,682.98)	Check Write Expenditures	\$ 45,058.46
Wildlife Management	2251	0.00	\$ -	\$ -		\$ -
Wildlife Diversity Program	2252	942,212.11	\$ 946,460.39	\$ (4,248.28)	Check Write Expenditures	\$ 942,212.11
Waterfowl Program	2254	511,131.47	\$ 510,278.69	\$ 852.78	Check Write Expenditures/ Special License Sales	\$ 511,131.47
Gamelands Operation and Management	2266	480,538.06	\$ 422,569.08	\$ 57,968.98	Sale of Timber/ Sale of Pinestraw	\$ 480,538.06
Outdoor Heritage/Advisory Council	2291	105,958.94	\$ 104,212.94	\$ 1,746.00	Noncapital Gifts	\$ 105,958.94
Wildlife Receipts - Interest Bearing	2271	1,912,348.79	\$ 1,803,775.80	\$ 108,572.99	Check write/ License Sales	\$ 1,912,348.79
		\$ 4,032,674.35	\$ 3,870,049.86	\$ 162,624.49		\$ 4,032,674.35

Cash Balance by Budget Code 24352	Fund	Cur Wk Motor Boat	Curr Wk Motor Boat	Difference	24352	Total Cur Wk
		8/21/17	8/14/2017			24352
Vessel Receipts	2314	3,899,987.18	3,997,969.49	\$ (97,982.31)	\$5,159,015.18 less actual dredging 8/15/17 -8/21/17	\$ 3,899,987.18
Boating Safety	2321	1,560,394.63	\$ 1,560,394.63	\$ -	\$1,259,027.50	\$ 1,560,394.63
Gas Tax	2371	590,879.41	\$ 274.41	\$ 590,605.00	Gas Tax	\$ 590,879.41
		\$ 6,051,261.22	\$ 5,558,638.53	\$ 492,622.69		\$ 6,051,261.22

Note:

- 2266: Game Land bond payment
 - 2271: WRC HQ bond payment and agency wide
 - 2314: Dredging transfer to DENR, 1113, 1114, 1121 and 1161
 - 2321: 1114, 1121 and 1161
 - 2371: 1141, 1121 and 1161
 - 2291: 1191 - outdoor heritage expenses only
 - 2165: Falls/Jordan Lake
 - 2112: excess over amt required to cover 434310006 - federal waterfowl stamp
- *Division specific special funds transferred to corresponding division general fund

Short Term Interest as of 8/21/17 Balance: \$1,909,130.60

Total Cash 8/21/17	\$ 13,800,323.52
Directed Receipts:	
Wise	(35,626.72)
Falls/Jordan	(1,224,138.97)
Wildlife Diversity	(942,212.11)
Waterfowl	(511,131.47)
Hab Conserv & Non	(45,058.46)
Timber Receipts	(480,538.06)
Outdoor Heritage	(105,958.94)
Motor Boat	
(Vessel/Boating)	(6,051,261.22)
Cash Balance:	\$ 4,404,397.57

Prior Week Cash Balance \$ 4,233,536.67

Increase/(Decrease)	\$ 170,860.90
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EXHIBIT C-1
August 23, 2017
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	David Turner
Date First Presented to Commission:	
Tract Name:	Aydlette Swamp/Dempsey Sawyer Swamp
County:	Camden
Acreage:	Parcel Acreage=2,727.49 / Deed Acreage=2,354 / Tax Card=2,097
Tax Value:	\$514,094
Property Owner/Representative:	Great Dismal Swamp Restoration Bank, LLC. Billy Griggs - Griggs Outer Banks Properties
Phone:	252-202-2174
Email Address:	billygriggs@griggsouterbanksproperties.com
Address:	

Primary Purpose:

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

Program Potential:

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

Type of Acquisition:

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

Type of Parcel:

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

Grant Potential:

<input checked="" type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input checked="" type="checkbox"/>	Enviva Forest Conservation Fund
<input checked="" type="checkbox"/>	NAWCA
<input checked="" type="checkbox"/>	National Coastal Wetlands Conservation Grant
<input checked="" type="checkbox"/>	Environmental Enhancement Grant Program

Owner Interest:

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

Tax Value:

<input type="checkbox"/>	Year Assessed
514,094	

Stewardship Considerations:

PR	Source:
75/25	Match:

Funding Considerations:

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

Recommendation:

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

Additional Comments:

Two adjacent parcels make up the Aydlette Swamp/Dempsey Sawyer Swamp Tract. There are no vehicle accesses to these parcels. Access is by boat only through a private, yet unrestricted, boat slip on Garlington Island Road or by the WRC Coinjock BAA 6 miles away. Significant differences in acreage in Camden County parcel data, deeds, and tax cards exists. Owners are asking \$1100/acre with a total asking price of \$1,981,000. With the stated asking price, acreage computes to 1,800 acres. These acreage discrepancies have been discussed with the realtor and the attached maps represent what he is reported to be selling.

These parcels lie adjacent to the northern boundary of the Harrison Tract of North River Game Land. The NCWRC is currently working with Ducks Unlimited to purchase the Hubbard-Pinkerton Tract on the southern boundary with the Harrison Tract.

EXHIBIT C-1
August 23, 2017
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Aydlette Swamp/Dempsey Sawyer Swamp
County:	Camden

Resources Assessment and Biological Benefits (brief):

The Aydlette Swamp/Dempsey Sawyer Swamp lies adjacent to the Harrison Tract of North River Game Land. The North River constitutes the eastern boundary and Indiantown Town Creek borders the tract to the north. Nearly all of both tracts are part of the North River/Crooked Creek Wetlands Significant Natural Heritage Area designated by the NC Natural Heritage Program. Their 2016 Natural Area report describes the areas as "a large segment of the mucky swamps that line the North River. It has a large expanse of Nonriverine Swamp Forest with mixed canopy of swamp black gum, cypress, and red maple. At least one moderate size patch of Peatland Atlantic White Cedar Forest is present. The Nonriverine Swamp Forest gives way gradually to Tidal Cypress--Gum Swamp near the shoreline, and small patches of Tidal Freshwater Marsh are present".

Based upon data found in the NC Conservation Planning Tool, the property has an average Biodiversity Relative Conservation Values of 7.9 (0- low-10 high values). The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape function and connectivity.

Investigation of the tract was done by boat along the North River and limited timber resources could be seen. NC Gap data and aerial imagery suggests that stand of Atlantic white cedar exists which could interest no-conservation minded entities to purchase the property, although timbering the site may prove extremely difficult. Along the North River and as far as could be seen are scattered large bald cypress that appeared to be hollow which could act as black bear denning sites. If acquired, the tracts would be incorporated into the North River Bear Sanctuary. The combined properties boasts over 11 miles of creek and river frontage.

Acquisition of the tract will protect a source of black bears in southern Camden County, establish a water quality buffer between agricultural fields and the North River and creeks, and protect black duck nesting habitat. Red-cockaded woodpecker cavities are documented on the property but due to the wet nature of the tracts and anticipated sea-level rise, it is expected that the cavity trees will die. North River is identified as an Anadromous Fish Spawning Area; river herring are known to spawn along the shoreline.

Tract Name
Date
Staff Completing Form

Aydlette Swamp/Dempsey Sawyer Swamp
July 6, 2017
David Turner

Species	0.778
	Terrestrial
Overall Biodiversity	3
SGCN Species	3
Game Species	1
	Wetland
Overall Biodiversity	3
SGCN Species	3
Game Species	1
	Aquatic
Overall Biodiversity	3
SGCN Species	3
Game Species	1

Habitat	0.889
Size	2
Quality	3
Diversity	2
Rare/Important	3
Connectivity	3
Buffer	3

Public Access	0.111
Hunting/Viewing	1
Fishing	0
Boating	0

Wildlife Uses	0.133
Hunting	1
Viewing	0
Fishing	0
Boating	0
Education	1

Other Values	0.111
Timber Harvest	0
Local Economy	0
Quality of Life	1

Feasibility & Logistics	0.467
Existing Infrastructure	0
Compatibility of Multiple Uses on Tract	0
Compatibility with Adjoining Land	3
Inholding/Corridor	3
Proximity to Users	1

Restoration/Mitigation Potential	0.083
Species Restoration	0
Habitat Restoration	0
Access Improvement	0
Threat Mitigation	1

Threats	0.533
Number	2
Severity	2
Imminence	1
Manageability	3
Management Cost	0

Overall Score	2.039
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Comments
<p>Species: There are 40 Species of Greatest Conservation Need (SCGN) species identified as possibly occurring on the tracts by the North Carolina Wildlife Habitat Threat Data Viewer and Analysis Tool. Red-cockaded woodpeckers were not identified by the tool but are known to be present on the southern extent of the parcel. Some of the notable species that may occur there include the American black duck, rainbow snake, glossy crayfish snake, eastern ribbonsnake, Swainson's warbler, black-throated green warbler, bald eagle, and Rafinesque's big-eared bat. Game species are limited to gray squirrels, waterfowl, black bears, and furbearers.</p> <p>Habitat: These two tracts are large intact examples Coastal Plain Non-riverine Wet Flat Forests, Peatland Atlantic White Cedar Forests, and Tidal Swamp Forests. The Nonriverine Swamp Forest carries a S3 and G3 classification by the NC Natural Heritage Program recognizing that the forest type is vulnerable to extinction. The parcels link to other game land parcels and provide a continuous corridor along the western side of the North River.</p> <p>Public Access: Public access is limited to the proposed acquisition as there are no roads to the properties. Access is by boat only through a private, yet unrestricted, boat slip on Garlington Island Road or by the WRC Coinjock BAA 6 miles away.</p> <p>Wildlife Uses: This category received a low score because of the limited access as well as the fact that fishing, boating, and wildlife viewing can occur on the public waterway without state acquisition of the tract. Waterfowl hunting likely occurs at low levels from the public waterway. Due to the wet habitat types, the deer population is thought to be extremely low and hunter effort would be low due to difficulty in walking.</p> <p>Other Values: As a conservation oriented agency, the NCWRC would not timber these tracts. Removing the property from the county's tax system would have a negative effect on the local economy. If protected and not logged, the parcels will have a positive effect on water quality and bird and fishery resources.</p> <p>Feasibility and logistics: Access negatively effects this score since there is no road infrastructure or vehicular accesses thereby limiting the proximity to users. This acquisition will provide a travel corridor for black bears. If acquired, this tract will consolidate boundary on a 250 acre block owned by the NCWRC.</p> <p>Restoration/Mitigation Potential: The realtor has advertised the timber potential on this tract but access will be a limiting factor in getting the timber out. Acquisition of the tract will mitigate the timber harvest threat. Sea-level rise is a threat that is predicted to have a significant impact on the landscape and cannot be mitigated through acquisition.</p> <p>Threats: USACE Sea Level Rise Calculator using an intermediate sea level rise of 1.74 feet by year 2050 maps the entire property as inundated with water.</p>

Instructions for filling out Phase I Worksheet

General

This form is for assessing opportunistic land acquisitions. Responses should reflect current conditions. The worksheet is protected so that you can only edit certain cells. These are shaded gray. The gray cells will change color after you have entered text or a numeric value. Ratings for each metric must be an integer from 0 to 3. If you enter anything else, you will get a warning. Except for the Threats category, 0 represents an undesirable condition (i.e., tract is not suitable for acquisition) and 3 represents a preferred condition (i.e., the tract is valuable and worth pursuing).
Fill out all gray scoring cells (columns B, C, D).

Species

If necessary, get assistance from staff in other Divisions/Programs or other sources (GIS, NHP, LCC models, etc.). The scores are meant to be based on best professional judgment, not an exact count of species. 3 = High species count; 2 = Moderate species count; 1 = Low species count; 0 = Very low species count. Overall biodiversity means all species of each group. SCGN species are those listed in the 2015 NC Wildlife Action Plan. Game species are those managed for sport or take. For game species, also consider population size.

Habitat

Quality refers to habitat condition. Diversity refers to the variety of habitat types. Rare/Important refers to critical habitat for listed or SCGN species. Consider quantity and quality. Connectivity means the parcel provides a corridor to other conservation lands or connectivity in river systems. Buffer means the parcel provides additional conservation land around a critical habitat type or allows managers to appropriately use tools such as prescribed fire without impacting adjoining land. For all metrics except Size: 3 = High; 2 = Moderate; 1 = Low; 0 = None
Size: 3 = >3,000 acres; 2 = 1,000 - 3,000 acres; 1 = 100 - 1,000 acres; 0 = <100 acres

Public Access

3 = Excellent existing access or provides critical access; 2 = Average; 1 = Poor; 0 = None

Wildlife Uses

3 = High; 2 = Moderate; 1 = Low; 0 = None

Other Values

3 = High; 2 = Moderate; 1 = Low; 0 = None

Feasibility & Logistics

3 = High; 2 = Moderate; 1 = Low; 0 = None

Restoration/Mitigation Potential

Restoration Potential is the ability to improve species, habitat or access through natural processes or management actions. 3 = High; 2 = Moderate; 1 = Low; 0 = None
Threat Mitigation is the degree to which the threat can be avoided, minimized or delayed by acquiring the parcel. 3 = Avoids Threats; 2 = Minimizes Threats; 1 = Delays Threats; 0 = None

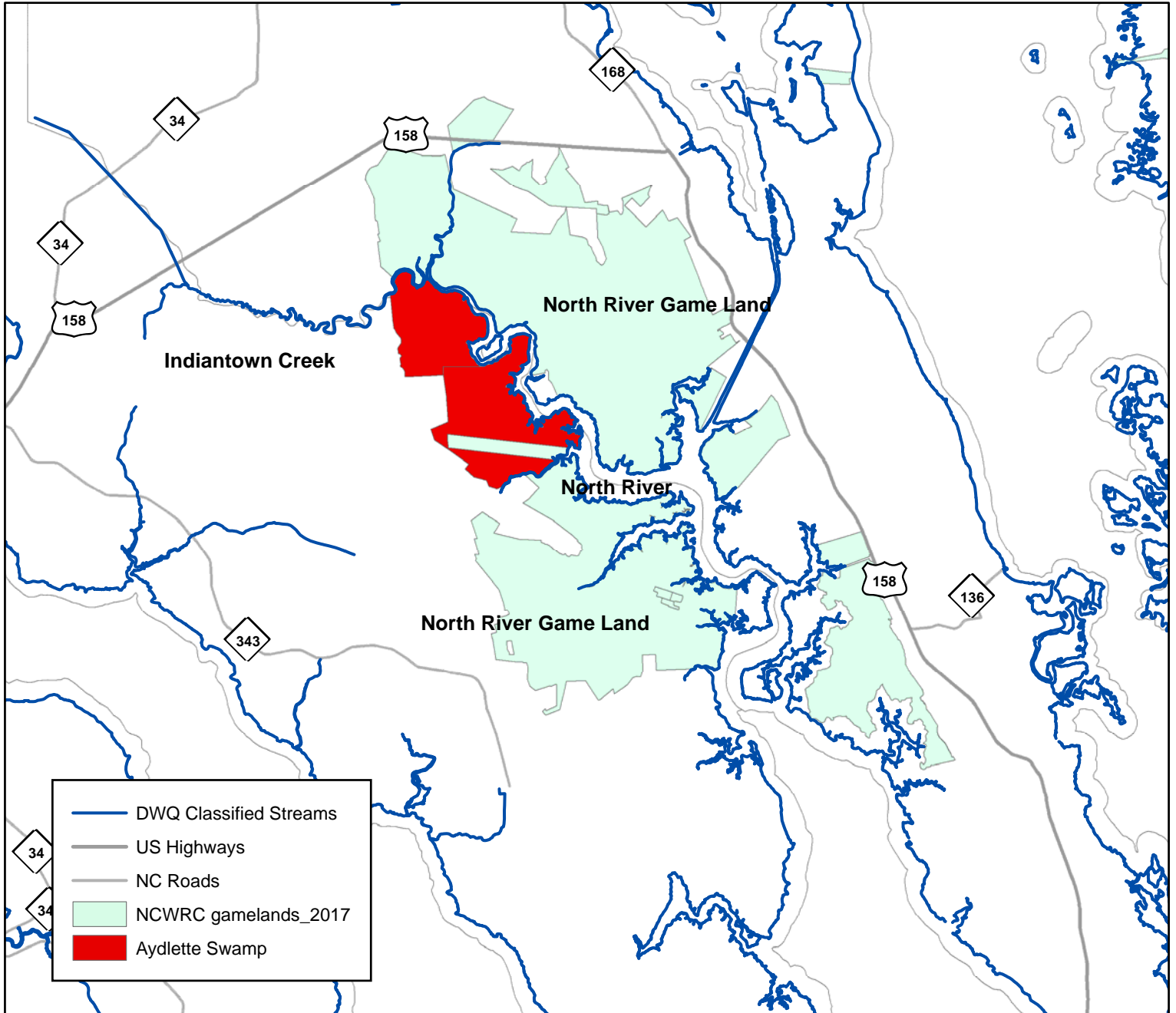
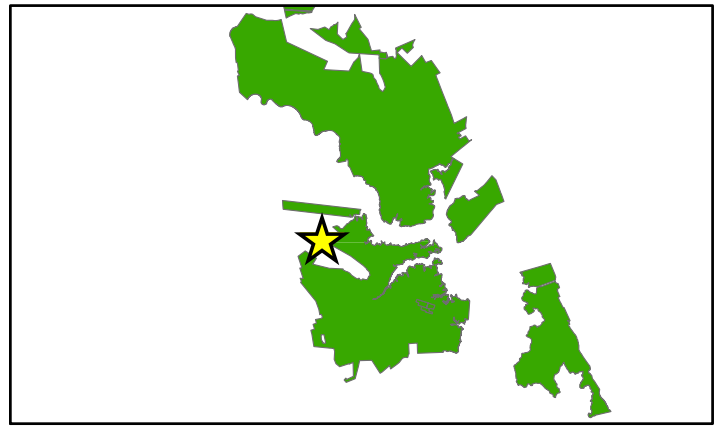
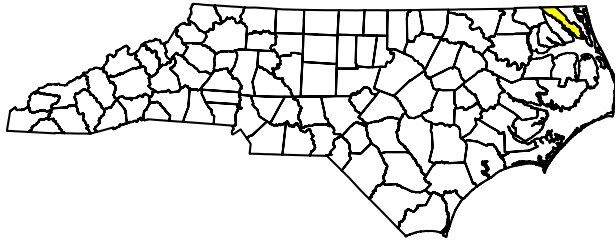
Threats

Threats reduce the value of a parcel, so the overall Threat score will be subtracted from the total score of the other metrics. Number: 3 = Many; 2 = Some; 1 = Few; 0 = None
Severity: 3 = Critical; 2 = High; 1 = Moderate; 0 = Low
Imminence (time or distance): 3 = Extant; 2 = Very Near; 1 = Moderately Near; 0 = Distant
Manageability: 3 = Unmanageable; 2 = Low; 1 = Moderate; 0 = High
Management Cost: 3 = High; 2 = Moderate; 1 = Low; 0 = Minimal

Scoring

Scoring for each section is normalized (range 0 - 1).
The overall score is the sum of the individual section scores, minus the Threat score.
The overall score will not calculate unless there is at least one ranking filled in for each section, even if a zero.
The overall score ranges from 7 (all values high and no threats) to -1 (all values zero and high threats).

**Aydlette Swamp Tract
North River Game Land
Camden County
2,727 Acres**

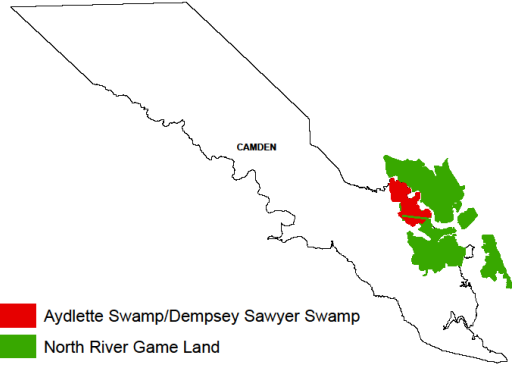
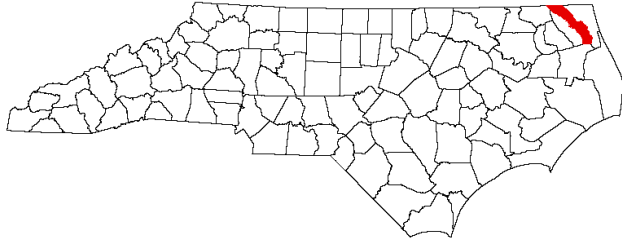


August 23, 2017

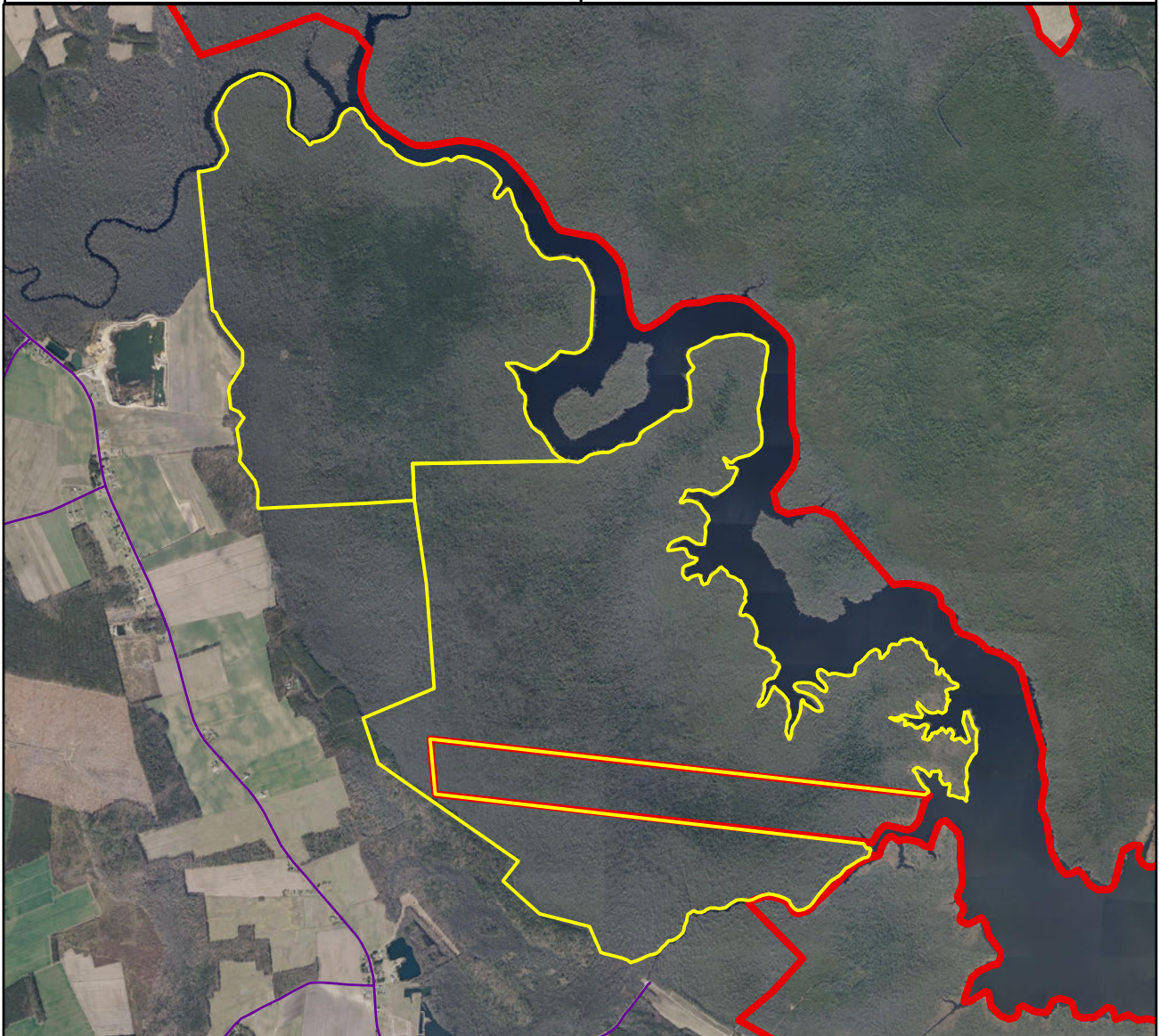
0 4 8 Miles



**Aydlette Swamp/Dempsey Sawyer Swamp
Camden County
+/- 2,727 Acres**



Red Aydlette Swamp/Dempsey Sawyer Swamp
Green North River Game Land



Yellow Aydlette Swamp/Dempsey Sawyer Swamp
Red North River Game Land

0 0.375 0.75 1.5 Miles



EXHIBIT C-2
August 23, 2017
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	David Turner
Date First Presented to Commission:	
Tract Name:	Joe's Island Tract and Wilkins Tract
County:	Pasquotank
Acreage:	Parcel Acreage=858.72/Deed Acreage=856.2/Tax Card=897.2
Tax Value:	\$269,200
Property Owner/Representative:	Great Dismal Swamp Restoration Bank, LLC. Billy Griggs - Griggs Outer Banks Properties
Phone:	252-202-2174
Email Address:	billygriggs@griggsouterbanksproperties.com
Address:	

Primary Purpose:

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

Program Potential:

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

Type of Acquisition:

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

Type of Parcel:

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

Grant Potential:

<input checked="" type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input checked="" type="checkbox"/>	Enviva Forest Conservation Fund
<input checked="" type="checkbox"/>	NAWCA
<input checked="" type="checkbox"/>	National Coastal Wetlands Conservation Grant
<input checked="" type="checkbox"/>	Environmental Enhancement Grant Program

Owner Interest:

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

Tax Value:

<input type="checkbox"/>	Year Assessed
425,824	PUV?

Stewardship Considerations:

<input type="checkbox"/>	Source:
75/25	Match:

Funding Considerations:

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

Recommendation:

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

Additional Comments:

Two tract descriptions under a single deed make up the Joe's Island Tract and the Wilkins Tract. There is no deeded vehicular access to the parcel. The realtor has also stated that there is no road access. Access is by boat only by the WRC Sawyer's Creek BAA 9.6 water miles away. Significant differences in acreage in Camden County parcel data, deeds, and tax cards exists. Owners are asking \$1100/acre with a total asking price of \$986,920.

A housing development shares the tracts southern boundary with two public schools within 0.4 mile. The tracts remaining southern boundary is primarily agricultural as well as a Pasquotank County wastewater treatment plant's spray field which holds a buffer easement on the Joe's Island Tract. The recommendation to do not pursue is because there is no vehicular access with the closest public boating access over 9 miles away and the fact that the tract is spatially isolated from other game land holdings. The Shipyard Landing Tract of North River Game Land is 4.5 miles downstream of the Joe's Island Tract. Because of access limitations, it is thought that there will be little use from hunters.

EXHIBIT C-2

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

Tract Name:	Joe's Island Tract and Wilkins Tract
County:	Pasquotank

Resources Assessment and Biological Benefits (brief):

The Joe's Island and Wilkins parcels boast 2.7 miles of waterfront along the Pasquotank River and a small creek. Nearly all of the parcel is part of the Pasquotank River/Canal Junction Swamp Natural Heritage Area designated by the NC Natural Heritage Program. Their 2016 Natural Area report describes the areas as a "low mucky flat with swamp forest, apparently classifiable as Nonriverine Swamp Forest. Forest is young-mature. Several small upland islands with Mesic Mixed Hardwood Forest also occur in the site." A June 15 site visit showed a shoreline of swamp rose, titi, and red maples on hummocks. Tupelo gum and bald cypress were canopy dominants with some blackgum and ash present. Scattered loblolly pine persists on elevations slightly above the water table. The property is advertised as containing a "heavy growth of Atlantic White Cedar" but this is an unsubstantiated statement. An inland assessment of timber resources was not conducted during the site visit. NC Gap data suggests that the primary forest type is Coastal Plain Nonriverine Wet Flat Forests with Cypress-Gum Floodplain Forest along the rivershore and pocketed within the tract. Tree diameters were considerably smaller on the western portion of the tract compared to the majority of the tract when observed by boat. Private property on the western boundary was logged in 2008, with earlier aerial imagery suggesting that habitat types were similar and that logging may be possible on the Joe's Island Tract.

Based upon data found in the NC Conservation Planning Tool, the property has an average Biodiversity Relative Conservation Value of 6.97 (0- low-10 high values). The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape function and connectivity. The Pasquotank River is identified as an Anadromous Fish Spawning Area; river herring are known to spawn along the shoreline. The tract has a colonial waterbird rookery on it.

Acquisition of the tract will establish a water quality buffer between agricultural fields and the Pasquotank River and offer habitat protection from potential logging activities.

Tract Name	Joe's Island Tract and Wilkins Tract
Date	July 11, 2017
Staff Completing Form	David Turner

Species	0.593
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	2
SGCN Species	2
Game Species	1
	Aquatic
Overall Biodiversity	2
SGCN Species	2
Game Species	1

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

Public Access	0.111
Hunting/Viewing	1
Fishing	0
Boating	0

Wildlife Uses	0.133
Hunting	1
Viewing	0
Fishing	0
Boating	0
Education	1

Other Values	0.111
Timber Harvest	0
Local Economy	0
Quality of Life	1

Feasibility & Logistics	0.400
Existing Infrastructure	0
Compatibility of Multiple Uses on Tract	0
Compatibility with Adjoining Land	3
Inholding/Corridor	2
Proximity to Users	1

Restoration/Mitigation Potential	0.083
Species Restoration	0
Habitat Restoration	0
Access Improvement	0
Threat Mitigation	1

Threats	0.533
Number	2
Severity	2
Imminence	1
Manageability	3
Management Cost	0

Overall Score	1.565
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Comments
<p>Species: There are 26 Species of Greatest Conservation Need (SCGN) species identified as possibly occurring on the tracts by the North Carolina Wildlife Habitat Threat Data Viewer and Analysis Tool. Notable species that may occur include the black-throated green warbler, Prothonotary warbler, and bald eagle. Game species include gray squirrels, waterfowl, black bears, white-tailed deer, and furbearers.</p> <p>Habitat: These two tracts are intact examples Coastal Plain Non-riverine Wet Flat Forests. The Nonriverine Swamp Forest carries a S3 and G3 classification by the NC Natural Heritage Program recognizing that the forest type is vulnerable to extinction, however; the natural area carries a general R5 and C5 rating.</p> <p>Public Access: Public access is limited to the proposed acquisition as there are no roads to the properties. There is no deeded vehicular access to the parcel. Access is by boat only through the WRC Sawyer's Creek BAA 9.6 water miles away.</p> <p>Wildlife Uses: This category received a low score because of the limited access as well as the fact that fishing, boating, and wildlife viewing can occur on the public waterway without state acquisition of the tract. Waterfowl hunting likely occurs at extremely low levels from the public waterway.</p> <p>Other Values: As a conservation oriented agency, the NCWRC would not timber these tracts. Removing the property from the county's tax system would have a negative effect on the local economy. If protected and not logged, the parcels will have a positive effect on water quality and bird and fishery resources.</p> <p>Feasibility and logistics: Access negatively effects this score since there is no road infrastructure or vehicular accesses thereby limiting the proximity to users. This acquisition will provide a travel corridor for black bears and the mature habitat is important for neo-tropical migrant songbirds.</p> <p>Restoration/Mitigation Potential: The realtor has advertised the timber potential on this tract but access will be a limiting factor in getting the timber out. Acquisition of the tract will mitigate the timber harvest threat. Sea-level rise is a threat that is predicted to have a significant impact on the landscape and cannot be mitigated through acquisition.</p> <p>Threats: USACE Sea Level Rise Calculator using an intermediate sea level rise of 1.74 feet by year 2050 maps the entire property as inundated with water.</p>

Instructions for filling out Phase I Worksheet

General

This form is for assessing opportunistic land acquisitions. Responses should reflect current conditions. The worksheet is protected so that you can only edit certain cells. These are shaded gray. The gray cells will change color after you have entered text or a numeric value. Ratings for each metric must be an integer from 0 to 3. If you enter anything else, you will get a warning. Except for the Threats category, 0 represents an undesirable condition (i.e., tract is not suitable for acquisition) and 3 represents a preferred condition (i.e., the tract is valuable and worth pursuing).
Fill out all gray scoring cells (columns B, C, D).

Species

If necessary, get assistance from staff in other Divisions/Programs or other sources (GIS, NHP, LCC models, etc.). The scores are meant to be based on best professional judgment, not an exact count of species. 3 = High species count; 2 = Moderate species count; 1 = Low species count; 0 = Very low species count. Overall biodiversity means all species of each group. SCGN species are those listed in the 2015 NC Wildlife Action Plan. Game species are those managed for sport or take. For game species, also consider population size.

Habitat

Quality refers to habitat condition. Diversity refers to the variety of habitat types. Rare/Important refers to critical habitat for listed or SCGN species. Consider quantity and quality. Connectivity means the parcel provides a corridor to other conservation lands or connectivity in river systems. Buffer means the parcel provides additional conservation land around a critical habitat type or allows managers to appropriately use tools such as prescribed fire without impacting adjoining land. For all metrics except Size: 3 = High; 2 = Moderate; 1 = Low; 0 = None
Size: 3 = >3,000 acres; 2 = 1,000 - 3,000 acres; 1 = 100 - 1,000 acres; 0 = <100 acres

Public Access

3 = Excellent existing access or provides critical access; 2 = Average; 1 = Poor; 0 = None

Wildlife Uses

3 = High; 2 = Moderate; 1 = Low; 0 = None

Other Values

3 = High; 2 = Moderate; 1 = Low; 0 = None

Feasibility & Logistics

3 = High; 2 = Moderate; 1 = Low; 0 = None

Restoration/Mitigation Potential

Restoration Potential is the ability to improve species, habitat or access through natural processes or management actions. 3 = High; 2 = Moderate; 1 = Low; 0 = None
Threat Mitigation is the degree to which the threat can be avoided, minimized or delayed by acquiring the parcel. 3 = Avoids Threats; 2 = Minimizes Threats; 1 = Delays Threats; 0 = None

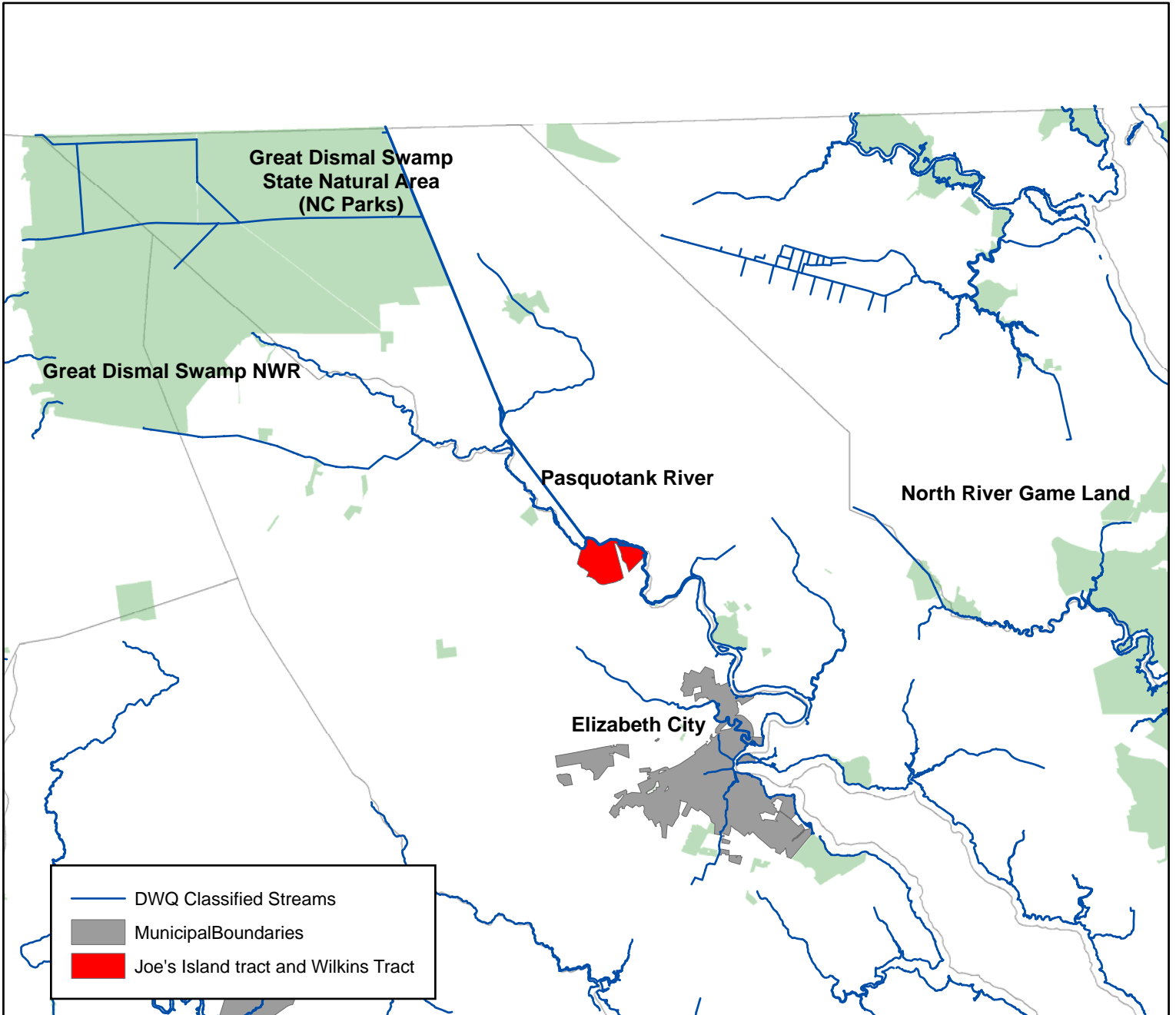
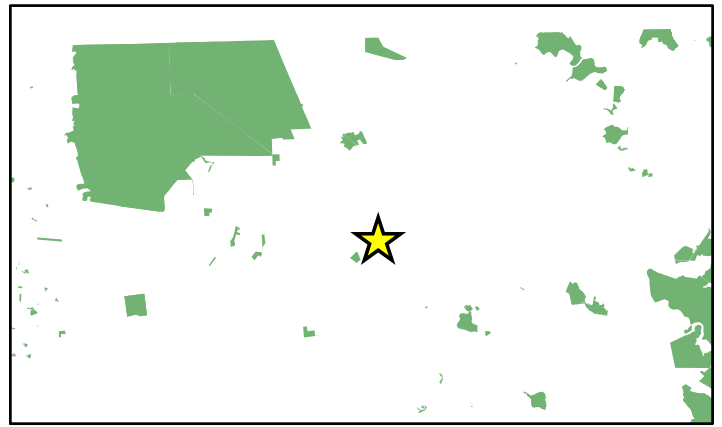
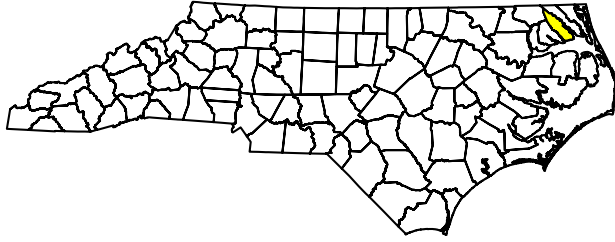
Threats

Threats reduce the value of a parcel, so the overall Threat score will be subtracted from the total score of the other metrics. Number: 3 = Many; 2 = Some; 1 = Few; 0 = None
Severity: 3 = Critical; 2 = High; 1 = Moderate; 0 = Low
Imminence (time or distance): 3 = Extant; 2 = Very Near; 1 = Moderately Near; 0 = Distant
Manageability: 3 = Unmanageable; 2 = Low; 1 = Moderate; 0 = High
Management Cost: 3 = High; 2 = Moderate; 1 = Low; 0 = Minimal

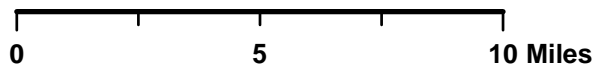
Scoring

Scoring for each section is normalized (range 0 - 1).
The overall score is the sum of the individual section scores, minus the Threat score.
The overall score will not calculate unless there is at least one ranking filled in for each section, even if a zero.
The overall score ranges from 7 (all values high and no threats) to -1 (all values zero and high threats).

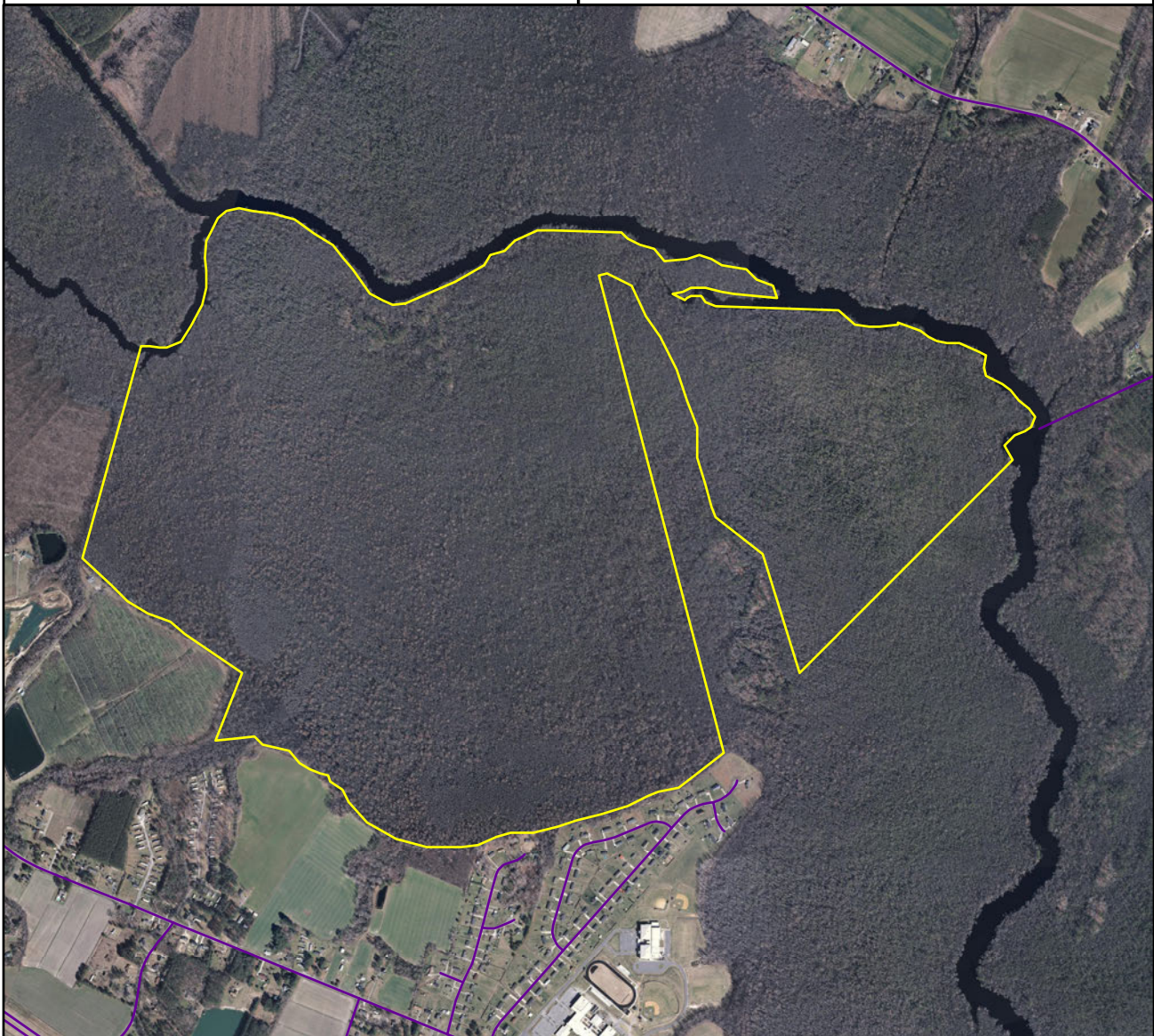
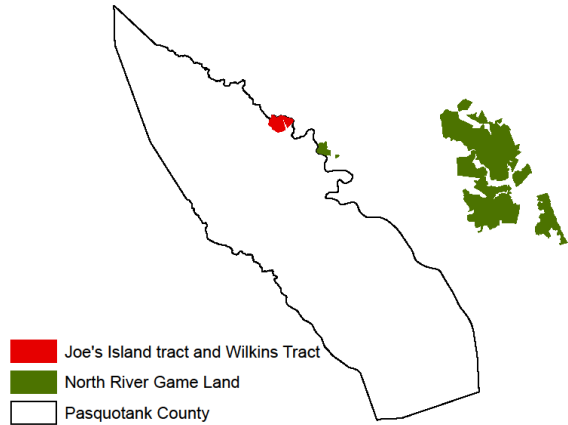
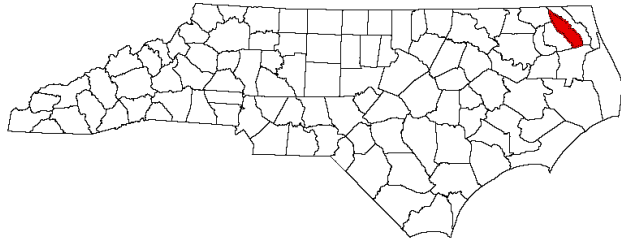
**Joe's Island and Wilkins Tract
North River Game Land
Pasquotank County
856 Acres**




August, 2017



Joe's Island and Wilkins Tracts Pasquotank County 856.2 Acres



 Joe's Island tract and Wilkins Tract

0 0.125 0.25 0.5 Miles



EXHIBIT C-3

August 23, 2017

North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

- PHASE I: INITIAL INVESTIGATION -

WRC Staff Contact:

Date First Presented to Commission:

Tract Name:

County:

Acreage:

Tax Value:

Property Owner/Representative:

Phone:

Email Address:

Address:

Kip Hollifield
Rubin Tract - Pond Mountain GL
Ashe
36.065
\$72,100
Judy Rubin
305-586-3218
judy305@yahoo.com
P.O. Box 1486, Cypress, TX 77410 (call before mailing any items to verify address)

Primary Purpose:

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

Program Potential:

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

Type of Acquisition:

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

Type of Parcel:

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

Grant Potential:

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

Owner Interest:

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

Tax Value:

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

Stewardship Considerations:

<input type="checkbox"/>	Source:
<input type="checkbox"/>	Match:

Funding Considerations:

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

Recommendation:

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

Additional Comments:

This 36 acre tract juts into Pond Mountain GL at the south central portion of the game land. Acquisition of the tract would solidify the game land boundary in this location. Access to the tract would be through current WRC holdings.

EXHIBIT C-3

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

Tract Name:	Rubin Tract - Pond Mountain GL
County:	Ashe

Resources Assessment and Biological Benefits (brief):

Appalachian oak forest is the predominant forest cover type on the Rubin Tract. Management objectives will include managing the wildlife and restoring or maintaining the oak forest priority wildlife habitat that is located on the tract. Little aquatic/riparian habitat is present on the tract. Common wildlife species found on the tract include wild turkey, white-tailed deer, black bear, ruffed grouse, raccoon, and gray squirrel. Species of Greatest Conservation Need likely found on the tracts as either permanent residents or transients include: northern pygmy salamander (*Desmognathus organi*), Weller's salamander (*Plethodon welleri*), Blackburnian warbler (*Setophaga fusca*), veery (*Catharus fuscescens*), eastern box turtle (*terrapene carolina*), and eastern milk snake (*Lampropeltis triangulum*)

Tract Name **Rubin Tract**
 Date **April 25, 2017**
 Staff Completing Form **Hollifield/Weeks**

Species	0.222
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Comments
Moderate biodiversity is based on the oak forest habitat and the diversity of wildlife found in the Pond Mountain area. Aquatic/wetland habitat is not present in significant quantity on the tract.

Habitat	0.500
Size	0
Quality	2
Diversity	1
Rare/Important	2
Connectivity	2
Buffer	2

Comments
The quality of the habitat on the tract is good. The diversity of habitats is low, but oak forest is a priority habitat. The property provide good connectivity and buffer to Pond Mtn. GL

Public Access	0.222
Hunting/Viewing	2
Fishing	0
Boating	0

Comments
There is good access to the property through the existing Pond Mtn. GL. No waters of sufficient size are located on the properties, so there is no fishing/boating opportunity.

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

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

Other Values	0.333
Timber Harvest	1
Local Economy	1
Quality of Life	1

Comments
Due to steep slope the tract is not well suited for timber production/harvest. This will provide some benefit to the local economy and provide some quality of life benefits to local residents.

Feasibility & Logistics	0.600
Existing Infrastructure	1
Compatibility of Multiple Uses on Tract	2
Compatibility with Adjoining Land	2
Inholding/Corridor	3
Proximity to Users	1

Comments
The tract has little existing infrastructure. Conflicts among game land users and adjoiningers should be minimal. The tract fills a hole in GL ownership and strengthens the wildlife corridor at Pond Mountain. The Pond Mountain area is remote and not proximal to large population centers.

Restoration/Mitigation Potential	0.583
Species Restoration	2
Habitat Restoration	2
Access Improvement	0
Threat Mitigation	3

Comments
Restoration potential for species and habitats on the tract is good, thus the rank is moderate. The tract offers no opportunity to develop new public access to Pond Mtn. GL. There are few threats to the properties.

Threats	0.200
Number	1
Severity	1
Imminence	1
Manageability	0
Management Cost	0

Comments
The only threat to the tract is sale to another buyer who might attempt to develop the tract.

Overall Score	2.594
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Instructions for filling out Phase I Worksheet

General

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2. The worksheet is for assessing opportunistic land acquisitions. Responses should reflect current conditions.
3. The worksheet is protected so that you can only edit certain cells. These are shaded gray.
4. The gray cells in the worksheet will change color after you have entered text or a numeric value.
5. Ratings for each metric must be an integer from 0 to 3. If you enter anything else, you will get a warning.
6. Except for the Threats category, 0 represents an undesirable condition (i.e., tract is not suitable for acquisition) and 3 represents a preferred condition (i.e., the tract is valuable and worth pursuing). For subjective metrics, start with a mindset that the parcel provides average/moderate conditions (i.e., rating of 2). Don't automatically give a rating of 3 without justification.

Species

1. If necessary, get assistance from staff in other Divisions/Programs or other sources (GIS, NHP, LCC models, etc.).
2. The scores are meant to be based on best professional judgment, not an exact count of species.
3. Rating: 3 = High species count; 2 = Moderate species count; 1 = Low species count; 0 = Very low species count.
4. Overall biodiversity means all species of each group.
5. SGCN species are those listed in the 2015 NC Wildlife Action Plan.
6. Game species are those managed for sport or take. For game species, also consider population size.

Habitat

1. Quality refers to habitat condition. Diversity refers to the variety of habitat types.
2. Rare/Important refers to critical habitat for listed or SGCN species. Consider quantity and quality.
3. Connectivity means the parcel provides a corridor to other conservation lands or connectivity in river systems.
4. Buffer means the parcel provides additional conservation land around a critical habitat type or allows managers to appropriately use tools such as prescribed fire without impacting adjoining land.
5. For all metrics except Size: 3 = High; 2 = Moderate; 1 = Low; 0 = None
6. Size: 3 = >3,000 acres; 2 = 1,000 - 3,000 acres; 1 = 100 - 1,000 acres; 0 = <100 acres

Public Access

1. The parcel provides public access to fish/wildlife resources on that parcel or to adjoining land or water.
2. Rating: 3 = Excellent existing access or provides critical access; 2 = Average; 1 = Poor; 0 = None

Wildlife Uses

1. Recreational or educational use of resources.
2. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Other Values

1. Timber Harvest is not the value of timber, but the potential to produce, manage and harvest timber.
2. Local Economy is the ability of the parcel to act as an economic driver by attracting substantial public use (e.g., unique wildlife viewing, hunting, etc.).
3. Quality of Life is the indirect/secondary benefit to the local community by providing green space or walking/hiking opportunities.
4. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Feasibility & Logistics

1. Existing Infrastructure includes road system, buildings, etc. Consider quantity and quality. If a liability and has to be removed/repaired, score 0 or 1.
2. Compatibility of Multiple Uses is the ability of the parcel to provide hunting, viewing, fishing, etc. at the same time.
3. Compatibility with Adjoining Land should consider things like public safety, noise, prescribed burns, etc. Consider both the impact of wildlife users and management on adjoining land and adjoining landowners on the parcel.
4. Inholding/Corridor - Does the parcel fill in a hole in existing WRC ownership or does it provide a wildlife corridor?
5. Proximity to Users refers to location of parcel to targeted user groups (e.g., new game land near population center).
6. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Restoration/Mitigation Potential

1. Restoration Potential is the ability to improve species, habitat or access through natural processes or management actions.
Potential: 3 = High; 2 = Moderate; 1 = Low; 0 = None
2. Threat Mitigation is the degree to which the threat can be avoided, minimized or delayed by acquiring the parcel.
Mitigation: 3 = Avoids Threats; 2 = Minimizes Threats; 1 = Delays Threats; 0 = None

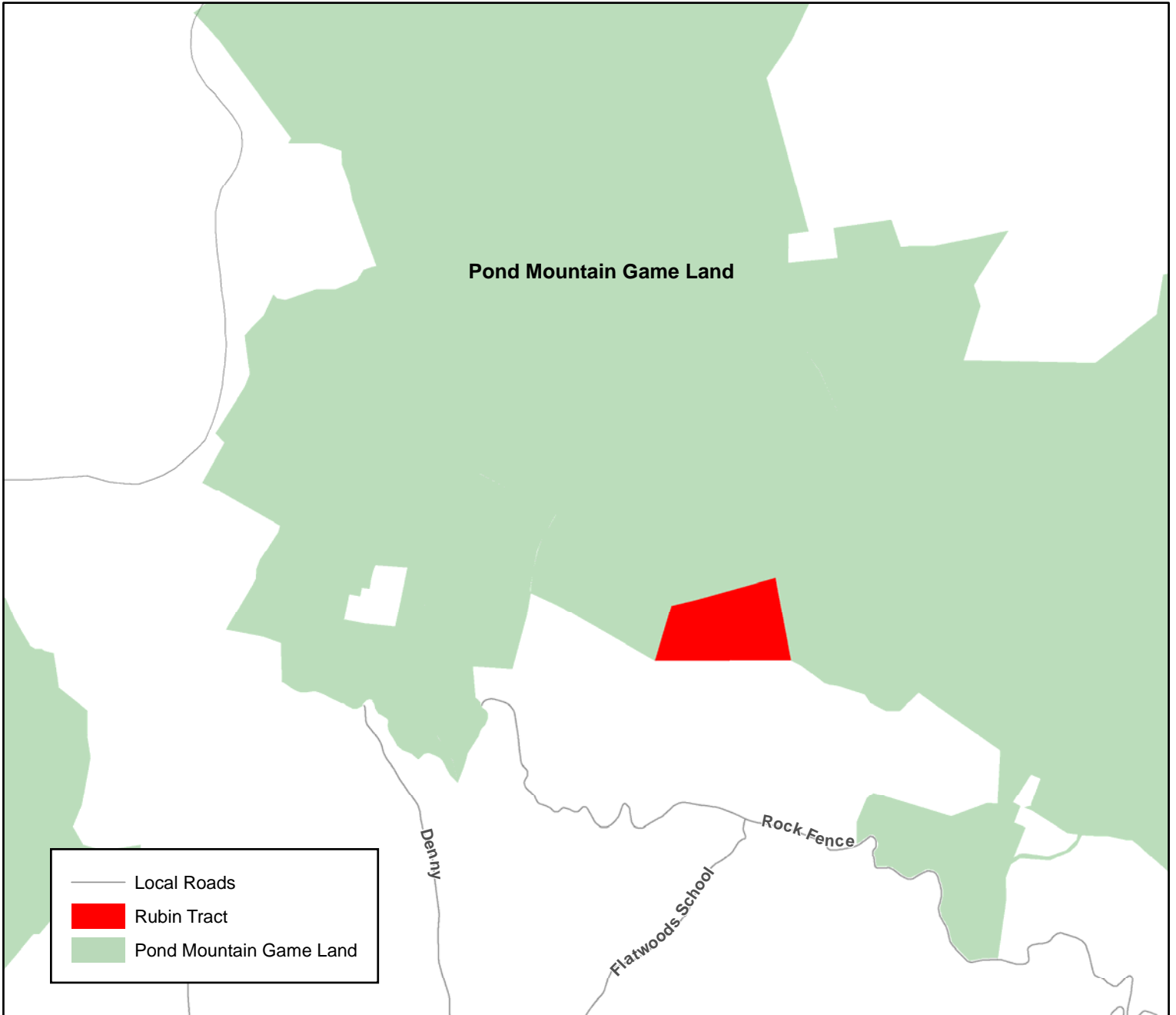
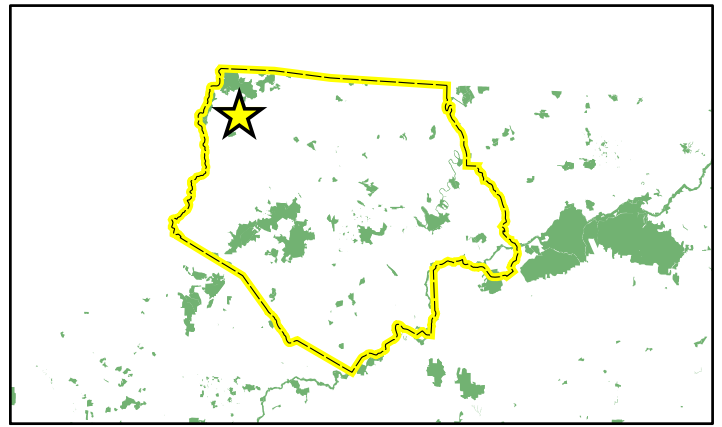
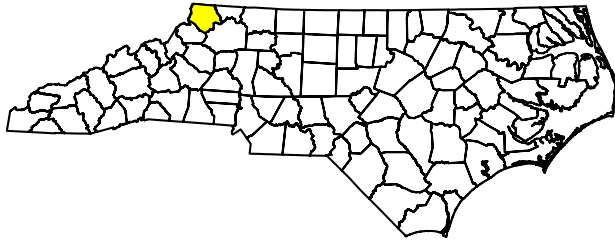
Threats

1. Threats reduce the value of a parcel, so the overall Threat score will be subtracted from the total score of the other metrics.
2. Number of Threats: 3 = Many; 2 = Some; 1 = Few; 0 = None
3. Severity of Threats: 3 = Critical; 2 = High; 1 = Moderate; 0 = Low
4. Imminence (time or distance) of Threats: 3 = Extant; 2 = Very Near; 1 = Moderately Near; 0 = Distant
5. Manageability of Threats: 3 = Unmanageable; 2 = Low; 1 = Moderate; 0 = High
6. Management Cost to Control Threats: 3 = High; 2 = Moderate; 1 = Low; 0 = Minimal

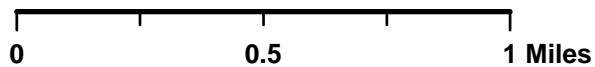
Scoring

1. Scoring for each section is normalized (range 0 - 1).
2. The overall score is calculated by adding individual section scores and subtracting the Threat score.
3. The overall score will not calculate unless there is at least one ranking filled in for each section, even if a zero.
4. The overall score ranges from 7 (all values high and no threats) to -1 (all values zero and high threats).

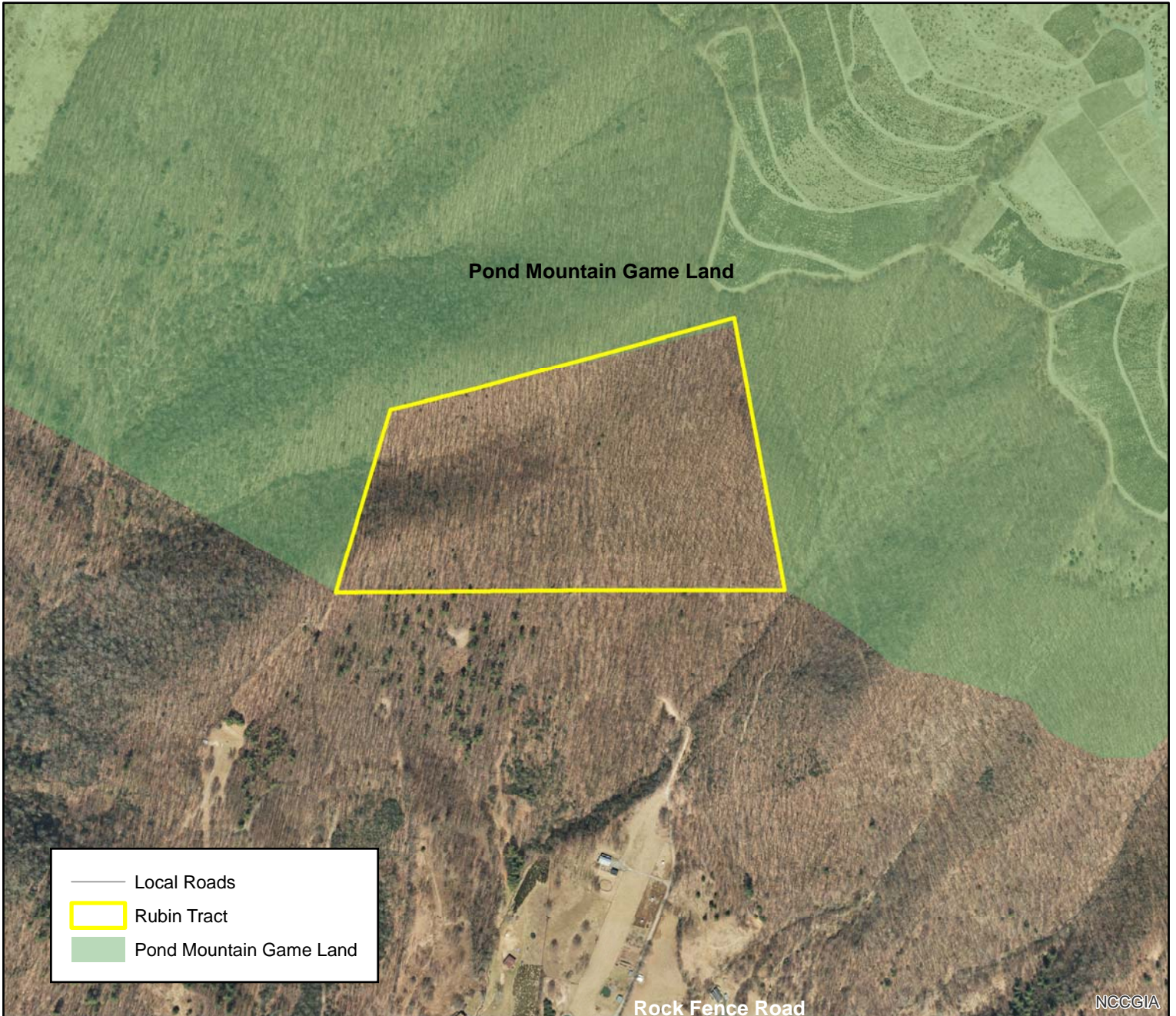
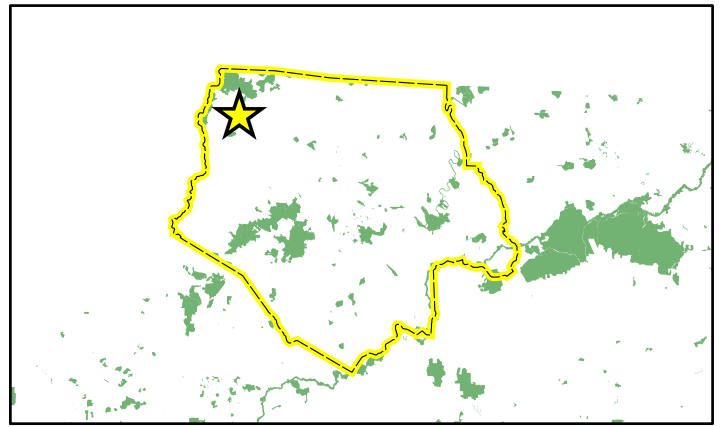
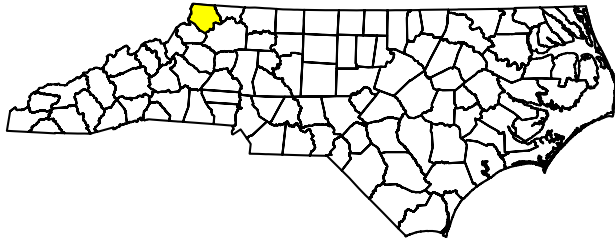
**Rubin Tract
Pond Mountain Game Land
Ashe County
36 Acres**



August 23, 2017



**Rubin Tract
Pond Mountain Game Land
Ashe County
36 Acres**



August 23, 2017

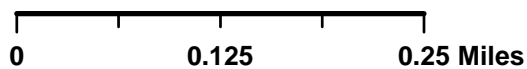


EXHIBIT C-4
August 23, 2107
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:
Date First Presented to Commission:
Tract Name:
County:
Acreage:
Tax Value:
Property Owner/Representative:
Phone:
Email Address:
Address:

David Turner
Vaughan and Dixon
Hertford
97
\$100,191
Danny Revelle/Shane Revelle Contact Clay Revelle
252-398-7288
clayrevelle@joemurrayrealty.com

Primary Purpose:

	Resource Protection
X	Resource Management
X	User Access
	WRC Facility

Program Potential:

X	Game Land
	Wildlife Conservation Area
	Access Area
	None

Type of Acquisition:

X	Purchase
	Lease
	Easement

Type of Parcel:

X	Tract
	Riparian Corridor

Grant Potential:

	CWMTF
X	Federal Aid (PR, WB, etc.)
	Enviva Forest Conservation Fund
	NAWCA
	National Coastal Wetlands Conservation Grant
	Environmental Enhancement Grant Program

Owner Interest:

X	High
	Moderate
	Low
	No

Tax Value:

2009	Year Assessed
57,926	PUV?

Stewardship Considerations:

PR	Source:
75/25	Match:

Funding Considerations:

	Donation
	Bargin Sale
	Partner Contribution

Recommendation:

X	Pursue
	Do Not Pursue
	Defer

Additional Comments:

These are four parcels for acquisition that lie adjacent to the Mapleton Tract of Chowan Swamp Game Land. A 1.77 acre parcel is bordered on three sides by game lands with the only access being through game land roads. The 1.05 and the 3.38 acre parcels lie adjacent to each other and are bounded on two sides by game lands and a forth side by the fourth parcel offered for acquisition. This fourth parcel of 91.24 acres is divided out from a larger 119 acre parcel. The owners have an interest in the agricultural land with this parcel but not the woodland. If the NCWRC is interested in acquiring, then a survey would be required to divide the property. The estimated amount of line to be surveyed is 1,450 feet. The owners are asking \$2,200/acre for the 97.43 acres of land and an additional \$3,000/acre for the timber resource on 6.2 acres for a total asking price of \$232,946.

EXHIBIT C-4

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

Tract Name:	Vaughan and Dixon
County:	Hertford

Resources Assessment and Biological Benefits (brief):

The primary benefit resulting from this acquisition would be the purchase of a second access to the Mapleton Tract of Chowan Swamp Game Land. Currently, game land users have one access point on the northwestern portion of the tract. The proposed acquisition will provide a second access at the southwestern corner of the tract. Hurricane Mathew washed a portion of the main access road limiting vehicular access. An alternative access is necessary if rain events wash out the main access road again. A second access would facilitate timber harvest operations by reducing impact on a single route and reduce the haul distance for some timber stands, which equates to higher game land timber values. The larger parcel is mostly clearcut with a spotty stand of loblolly pines regenerating. This parcel lies mainly on Craven fine sandy loam soils, a soil class where longleaf pines have been successfully reestablished on the adjacent Mapleton Tract. The acquisition will consolidate the game land boundary on the three smaller parcels and will also address an inholding that could be problematic if owners were to request year-round access to the parcel. In addition to securing a second access, the larger parcel would also consolidate game land boundaries, while enabling prescribed burning efforts by reducing constructed firebreak distances and treating more forest covertype transitions.

A Biodiversity/Wildlife Habitat Assessment is not available for the larger parcel, but averages a score of 6 on the 1.77 and the 3.38 acre parcels. The larger parcel borders ±1400 feet of the a Primary area of the Chowan Swamp Dedicated Nature Preserve. Where remaining parcel boundaries meet the game land, they border a Buffer designated area of the preserve. The primary forest type is regenerating loblolly resulting from a recent clearcut and herbicide application. Three smaller tracts have mature stands of loblolly with mixed hardwoods including white oaks and American holly.

Tract Name **Vaughan and Dixon**
 Date **June 9, 2017**
 Staff Completing Form **David Turner**

Species	0.259
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	1
	Wetland
Overall Biodiversity	1
SGCN Species	1
Game Species	0
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Habitat	0.500
Size	0
Quality	1
Diversity	2
Rare/Important	0
Connectivity	3
Buffer	3

Public Access	0.333
Hunting/Viewing	3
Fishing	0
Boating	0

Wildlife Uses	0.333
Hunting	3
Viewing	1
Fishing	0
Boating	0
Education	1

Other Values	0.333
Timber Harvest	2
Local Economy	0
Quality of Life	1

Feasibility & Logistics	1.000
Existing Infrastructure	3
Compatibility of Multiple Uses on Tract	3
Compatibility with Adjoining Land	3
Inholding/Corridor	3
Proximity to Users	3

Restoration/Mitigation Potential	0.833
Species Restoration	2
Habitat Restoration	3
Access Improvement	2
Threat Mitigation	3

Threats	0.267
Number	1
Severity	1
Imminence	1
Manageability	1
Management Cost	0

Overall Score	3.326
----------------------	--------------

Comments

The Vaughan and Dixon Tract will provide a second access to the Mapleton tract of Chowan Swamp Game Land as well as address and inholding and consolidate boundary. This acquisition is for four parcels totaling 97.43 acres. **Species:** Because the acreage is small, the species scores have been affected as there is a limited amount of habitat diversity. There are 25 SGCN species that possibly occur in the habitats identified on the tract. Game species include black bear, deer, northern bobwhite, cottontail rabbit, and woodcock. **Habitat:** This is a small tract that borders the Mapleton tract of Chowan Swamp Game Land. The three smaller parcels have not been cut and are primarily mature loblolly pine stands with a mixed hardwood understory. The larger parcel is a regenerating clearcut that can be replanted with longleaf pine on a majority of the acreage. **Public Access:** Access to the Mapleton Tract would be greatly improved with this acquisition. A 0.35 mile long dirt path leads from the NCDOT Harewood Road to the southern boundary of the Mapleton Tract. This acquisition will help dog deer hunters to catch dogs. **Wildlife Uses:** Dog deer hunting is extremely popular on Chowan Swamp. The acquisition would add to the acreage on the game land in an area that the NCWRC has few complaints about dog deer hunters from surrounding landowners. **Other Uses:** Other uses are limited on the property. **Feasibility and Logistics:** This score is bolstered as it lies adjacent to Chowan Swamp Game Land and the DOT road. It addresses inholdings that may be problematic in the future should landowners request access. The access to a DOT road will provide a second access to the Mapleton Tract. Current hunting methods are compatible with adjacent methods. **Restoration/Mitigation Potential:** The soils on the largest parcel can support the establishment of longleaf pine and suite of wildlife species associated with early-successional habitats. Establishment to a longleaf pine habitat matches efforts to convert loblolly pine stands on appropriate sites to longleaf on the Mapleton Tract. The acquisition would also reduce complexity in our prescribed burning program by reducing the amount of plowed fire line needed. **Threats:** There is the potential that the current landowners would request year-round access to the inholding.

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Fill out all gray scoring cells (columns B, C, D).

Species

If necessary, get assistance from staff in other Divisions/Programs or other sources (GIS, NHP, LCC models, etc.). The scores are meant to be based on best professional judgment, not an exact count of species. 3 = High species count; 2 = Moderate species count; 1 = Low species count; 0 = Very low species count. Overall biodiversity means all species of each group. SCGN species are those listed in the 2015 NC Wildlife Action Plan. Game species are those managed for sport or take. For game species, also consider population size.

Habitat

Quality refers to habitat condition. Diversity refers to the variety of habitat types. Rare/Important refers to critical habitat for listed or SCGN species. Consider quantity and quality. Connectivity means the parcel provides a corridor to other conservation lands or connectivity in river systems. Buffer means the parcel provides additional conservation land around a critical habitat type or allows managers to appropriately use tools such as prescribed fire without impacting adjoining land. For all metrics except Size: 3 = High; 2 = Moderate; 1 = Low; 0 = None
Size: 3 = >3,000 acres; 2 = 1,000 - 3,000 acres; 1 = 100 - 1,000 acres; 0 = <100 acres

Public Access

3 = Excellent existing access or provides critical access; 2 = Average; 1 = Poor; 0 = None

Wildlife Uses

3 = High; 2 = Moderate; 1 = Low; 0 = None

Other Values

3 = High; 2 = Moderate; 1 = Low; 0 = None

Feasibility & Logistics

3 = High; 2 = Moderate; 1 = Low; 0 = None

Restoration/Mitigation Potential

Restoration Potential is the ability to improve species, habitat or access through natural processes or management actions. 3 = High; 2 = Moderate; 1 = Low; 0 = None
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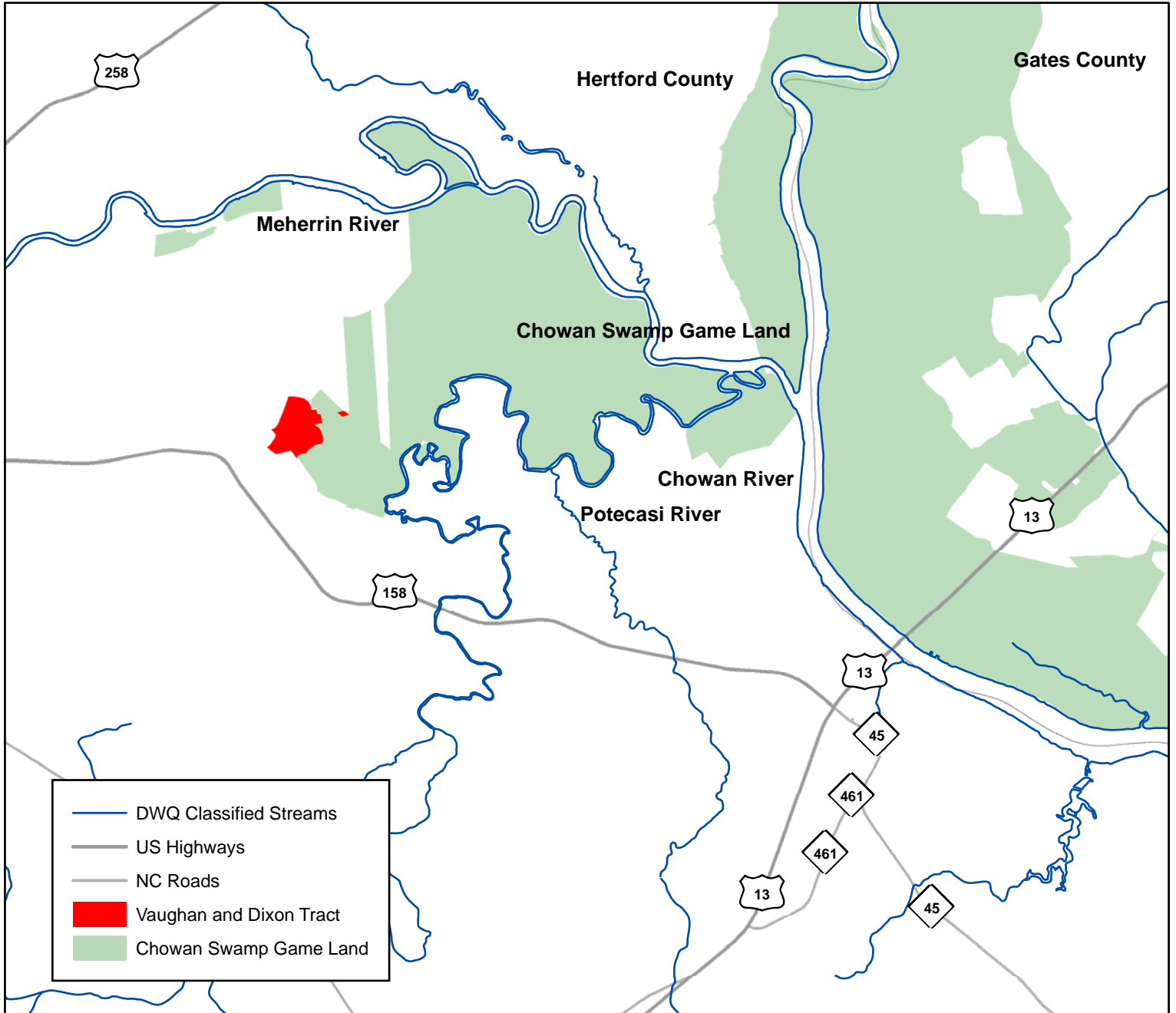
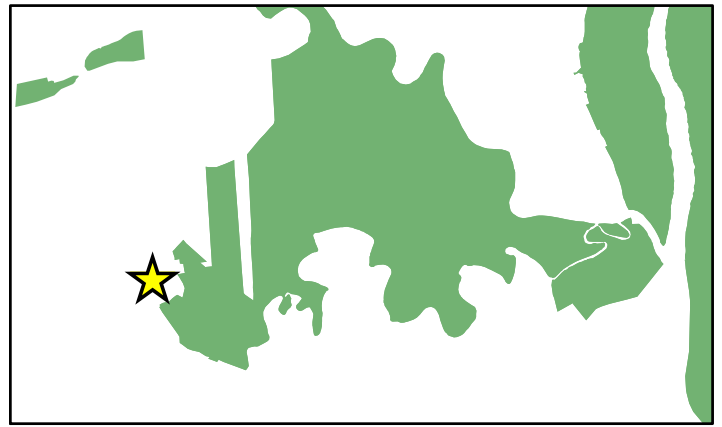
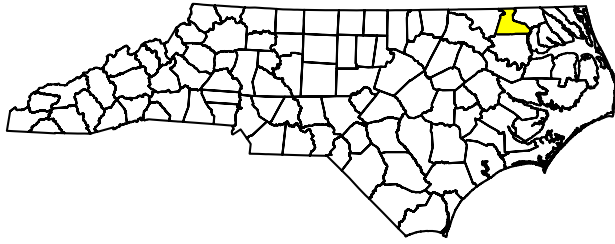
Threats

Threats reduce the value of a parcel, so the overall Threat score will be subtracted from the total score of the other metrics. Number: 3 = Many; 2 = Some; 1 = Few; 0 = None
Severity: 3 = Critical; 2 = High; 1 = Moderate; 0 = Low
Imminence (time or distance): 3 = Extant; 2 = Very Near; 1 = Moderately Near; 0 = Distant
Manageability: 3 = Unmanageable; 2 = Low; 1 = Moderate; 0 = High
Management Cost: 3 = High; 2 = Moderate; 1 = Low; 0 = Minimal

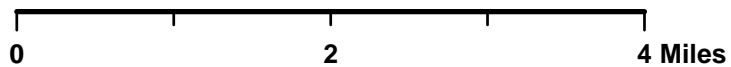
Scoring

Scoring for each section is normalized (range 0 - 1).
The overall score is the sum of the individual section scores, minus the Threat score.
The overall score will not calculate unless there is at least one ranking filled in for each section, even if a zero.
The overall score ranges from 7 (all values high and no threats) to -1 (all values zero and high threats).

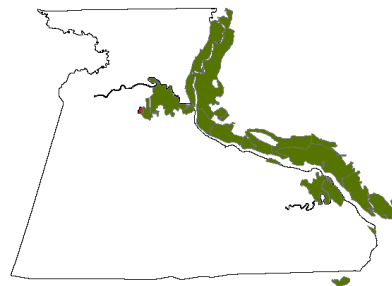
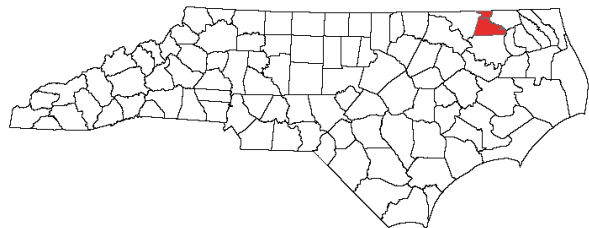
Vaughn and Dixon Tract
Chowan Swamp Game Land
Hertford County
97 Acres





August 23, 2017







Vaughan and Dixon Tract Hertford County 97.43 Acres



-  Chowan Swamp Game Land
-  Vaughan and Dixon Tract



-  Vaughan and Dixon Tract
-  Chowan Swamp Game Land
-  Access Road
-  ChowanSwampGL_roads

0 0.25 0.5 1 Miles



EXHIBIT D-1

August 23, 2017

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

-PHASE II: FINAL ACQUISITION DETAILS-

WRC Action/Approval to Pursue (Date): August 23, 2017

Tract: Carswell tract, Burke County 210 Acres

Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):

Donation from The Conservation Fund

Based on Appraisal: Yes No NA

If Yes, Name of Appraiser:

Date of Appraisal: .

Appraisal Handled by State Property Office: Yes No NA

Acquisition Plan Includes Bargain Sale: Yes No

If Yes, Explain Details:

Source(s) of Stewardship Funds (indicate federal: state match rates): Pittman-Robertson 75/25

Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)

Five Year Estimate of Total Stewardship Expenditures:

\$23,887

Five Year Estimate of Total Projected Revenue:

\$0

WORKSHEET

Five Year Stewardship Costs and Revenue Projections

(Five Years Post Acquisition)

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
Carswell Tract (NFWF Amendment) – South Mountains GL	Boundary Establishment (Contract Survey)	15,425	Ft.	\$1.50	\$23,137
	Install gates to control vehicular access	1	ea.	\$750	\$750
	Total				
<i>Insert additional rows in table as needed</i>					

REVENUE						
Estimated Revenue Projections						
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue	
					\$ -	
	Total					\$ -

EXHIBIT D-1

August 23, 2017

North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

- PHASE I: INITIAL INVESTIGATION -

WRC Staff Contact:	Kip Hollifield/Paul Thompson
Date First Presented to Commission:	
Tract Name:	Carswell Tract, NFWF Amendment - South Mtns. Game Land
PIN:	2700248038
County:	Burke
Acreage:	210 acres
Tax Value:	\$292,563
Property Owner/Representative:	Owner: 130 of Chatham, LLC. / Representative: The Conservation Fund
Phone:	919-951-0119
Email Address:	bholman@conservationfund.org
Address:	P.O. Box 271, Chapel Hill, NC 27514

Primary Purpose:

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

Program Potential:

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

Type of Acquisition:

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

Type of Parcel:

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

Grant Potential:

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

Owner Interest:

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

Tax Value:

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

Stewardship Considerations:

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

Funding Considerations:

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

Recommendation:

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

Additional Comments:

The Conservation Fund (TCF) has requested an amendment to a National Fish and Wildlife Foundation (NFWF) grant to purchase the Carswell Tract. TCF has budgeted to cover acquisition and transaction costs so the property can be conveyed to WRC as a donation.

EXHIBIT D-1

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

Tract Name: Carswell Tract, NFWF Amendment, South Mountains GL
County: Burke

Resources Assessment and Biological Benefits (brief):

The 210 acre Carswell Tract can be accessed through current WRC holdings as well as the Burkemont Mountain Tract (future donation from Foothills Conservancy of N.C.). The tract is forested and contains mostly mature timber. Appalachian oak and oak-pine forest are predominant on the tract (88%). Appalachian cove forest is also found on the tract, comprising approximately 10%. Management objectives will include restoring or maintaining the oak and cove forest priority wildlife habitats that are located on the tract. Common wildlife species found on the tract include wild turkey, white-tailed deer, raccoon, and gray squirrel. Species of greatest conservation need (SGCN) likely found on the tract as either permanent residents or transients include: Sharp-shinned Hawk (*Accipiter striatus*), Yellow-billed Cuckoo (*Coccyzus americanus*), Eastern Wood-Pewee (*Contopus virens*), Wood Thrush (*Hylocichla mustelina*), Eastern Mole (*Scalopus aquaticus*), and Eastern Hognose Snake (*Heterodon platirhinos*).

Tract Name
Date
Staff Completing Form

Carswell Tract, NFWF Ammdement, South Mountains GL
July 28, 2017
Hollifield/Thompson

Species	0.259
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	1
SGCN Species	0
Game Species	0

Comments
Moderate terrestrial biodiversity is based on a diversity of forest cover types and age classes. Low aquatic diversity based on lack of streams on the property. Wetland habitat is not found on the property.

Habitat	0.611
Size	1
Quality	2
Diversity	2
Rare/Important	2
Connectivity	2
Buffer	2

Comments
The quality of the habitat on the tract is good, as is diversity. The property provides good connectivity and buffer to the Black Fox Tract of South Mountains GL.

Public Access	0.222
Hunting/Viewing	2
Fishing	0
Boating	0

Comments
The property provides additional access for hunting/wildlife viewing on South Mountains GL. No waters of sufficient size are located on the properties, so there is no fishing/boating opportunity.

Wildlife Uses	0.333
Hunting	3
Viewing	2
Fishing	0
Boating	0
Education	0

Comments
The property offers good hunting opportunity as well as some opportunity for wildlife viewing. Educational opportunities are minimal. No significant water is located on the tract, so there is no fishing/boating opportunity.

Other Values	0.667
Timber Harvest	3
Local Economy	2
Quality of Life	1

Comments
The tract can produce good timber and will offer additional access to the game land. This will provide some benefit to the local economy and provide some quality of life benefits to local residents.

Feasibility & Logistics	0.600
Existing Infrastructure	1
Compatibility of Multiple Uses on Tract	2
Compatibility with Adjoining Land	2
Inholding/Corridor	2
Proximity to Users	2

Comments
The tract does not have a road system that have been maintained in the recent past. Conflicts among game land users and adjoining should be minimal. The tract is proximal to GL users, including the Unifour and Charlotte areas.

Restoration/Mitigation Potential	0.667
Species Restoration	2
Habitat Restoration	2
Access Improvement	2
Threat Mitigation	2

Comments
Restoration and habitat management potential on the tract is good, thus the rank is moderate. The property will provide additional access to South Mountains GL. There are few threats to the properties.

Threats	0.067
Number	1
Severity	0
Imminence	0
Manageability	0
Management Cost	0

Comments
The tract is owned by 130 of Chatham, so threats are minimal.

Overall Score	3.293
---------------	-------

Instructions for filling out Phase I Worksheet

General

1. Fill in the gray cells in Cover Sheet and Page 2. The rest of these instructions pertain to the Worksheet.
2. The worksheet is for assessing opportunistic land acquisitions. Responses should reflect current conditions.
3. The worksheet is protected so that you can only edit certain cells. These are shaded gray.
4. The gray cells in the worksheet will change color after you have entered text or a numeric value.
5. Ratings for each metric must be an integer from 0 to 3. If you enter anything else, you will get a warning.
6. Except for the Threats category, 0 represents an undesirable condition (i.e., tract is not suitable for acquisition) and 3 represents a preferred condition (i.e., the tract is valuable and worth pursuing). For subjective metrics, start with a mindset that the parcel provides average/moderate conditions (i.e., rating of 2). Don't automatically give a rating of 3 without justification.

Species

1. If necessary, get assistance from staff in other Divisions/Programs or other sources (GIS, NHP, LCC models, etc.).
2. The scores are meant to be based on best professional judgment, not an exact count of species.
3. Rating: 3 = High species count; 2 = Moderate species count; 1 = Low species count; 0 = Very low species count.
4. Overall biodiversity means all species of each group.
5. SGCN species are those listed in the 2015 NC Wildlife Action Plan.
6. Game species are those managed for sport or take. For game species, also consider population size.

Habitat

1. Quality refers to habitat condition. Diversity refers to the variety of habitat types.
2. Rare/Important refers to critical habitat for listed or SGCN species. Consider quantity and quality.
3. Connectivity means the parcel provides a corridor to other conservation lands or connectivity in river systems.
4. Buffer means the parcel provides additional conservation land around a critical habitat type or allows managers to appropriately use tools such as prescribed fire without impacting adjoining land.
5. For all metrics except Size: 3 = High; 2 = Moderate; 1 = Low; 0 = None
6. Size: 3 = >3,000 acres; 2 = 1,000 - 3,000 acres; 1 = 100 - 1,000 acres; 0 = <100 acres

Public Access

1. The parcel provides public access to fish/wildlife resources on that parcel or to adjoining land or water.
2. Rating: 3 = Excellent existing access or provides critical access; 2 = Average; 1 = Poor; 0 = None

Wildlife Uses

1. Recreational or educational use of resources.
2. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Other Values

1. Timber Harvest is not the value of timber, but the potential to produce, manage and harvest timber.
2. Local Economy is the ability of the parcel to act as an economic driver by attracting substantial public use (e.g., unique wildlife viewing, hunting, etc.).
3. Quality of Life is the indirect/secondary benefit to the local community by providing green space or walking/hiking opportunities.
4. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Feasibility & Logistics

1. Existing Infrastructure includes road system, buildings, etc. Consider quantity and quality. If a liability and has to be removed/repaired, score 0 or 1.
2. Compatibility of Multiple Uses is the ability of the parcel to provide hunting, viewing, fishing, etc. at the same time.
3. Compatibility with Adjoining Land should consider things like public safety, noise, prescribed burns, etc. Consider both the impact of wildlife users and management on adjoining land and adjoining landowners on the parcel.
4. Inholding/Corridor - Does the parcel fill in a hole in existing WRC ownership or does it provide a wildlife corridor?
5. Proximity to Users refers to location of parcel to targeted user groups (e.g., new game land near population center).
6. Rating: 3 = High; 2 = Moderate; 1 = Low; 0 = None

Restoration/Mitigation Potential

1. Restoration Potential is the ability to improve species, habitat or access through natural processes or management actions.
Potential: 3 = High; 2 = Moderate; 1 = Low; 0 = None
2. Threat Mitigation is the degree to which the threat can be avoided, minimized or delayed by acquiring the parcel.
Mitigation: 3 = Avoids Threats; 2 = Minimizes Threats; 1 = Delays Threats; 0 = None

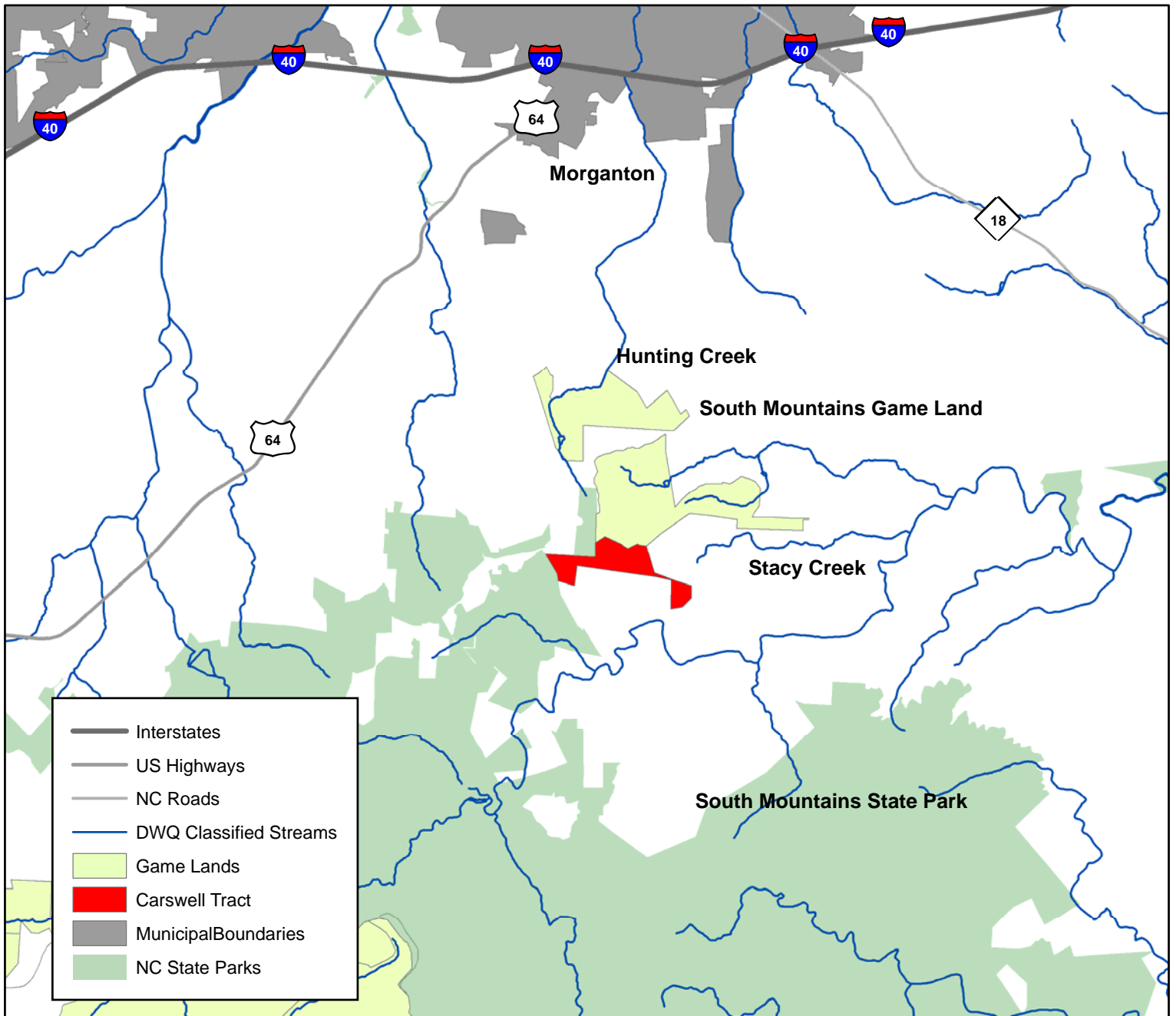
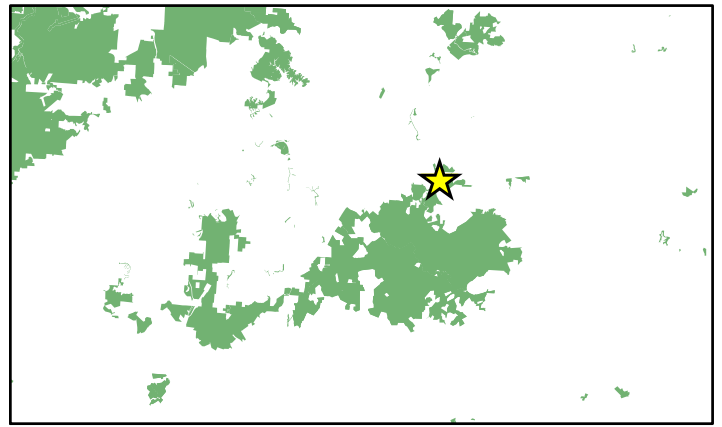
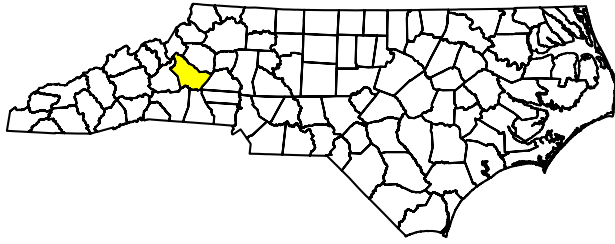
Threats

1. Threats reduce the value of a parcel, so the overall Threat score will be subtracted from the total score of the other metrics.
2. Number of Threats: 3 = Many; 2 = Some; 1 = Few; 0 = None
3. Severity of Threats: 3 = Critical; 2 = High; 1 = Moderate; 0 = Low
4. Imminence (time or distance) of Threats: 3 = Extant; 2 = Very Near; 1 = Moderately Near; 0 = Distant
5. Manageability of Threats: 3 = Unmanageable; 2 = Low; 1 = Moderate; 0 = High
6. Management Cost to Control Threats: 3 = High; 2 = Moderate; 1 = Low; 0 = Minimal

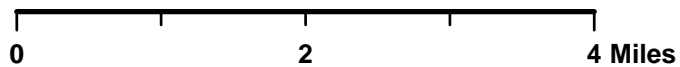
Scoring

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2. The overall score is calculated by adding individual section scores and subtracting the Threat score.
3. The overall score will not calculate unless there is at least one ranking filled in for each section, even if a zero.
4. The overall score ranges from 7 (all values high and no threats) to -1 (all values zero and high threats).

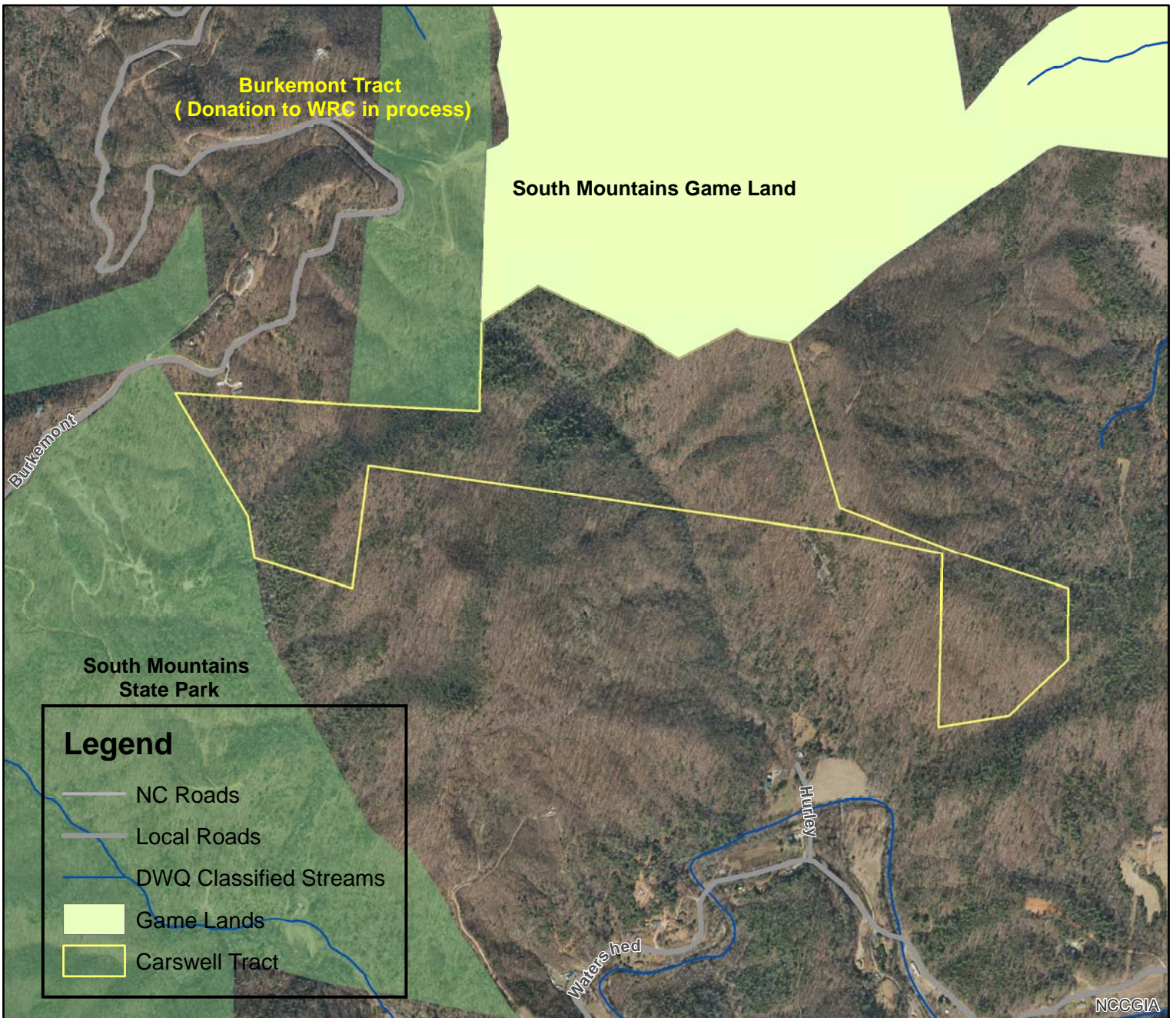
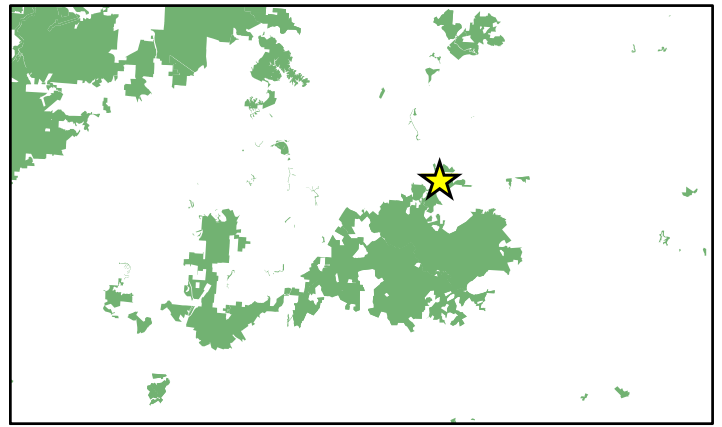
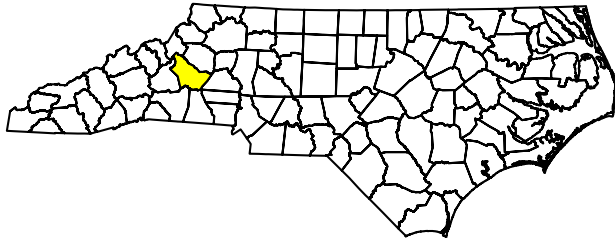
**Carswell Tract
South Mountains Game Land
Burke County
210 Acres**



August 23, 2017



**Carswell Tract
South Mountains Game Land
Burke County
210 Acres**



August 23, 2017

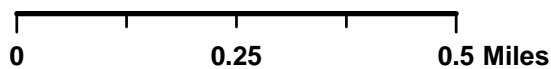


EXHIBIT D-2

August 23, 2017

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

-PHASE II: FINAL ACQUISITION DETAILS-

WRC Action/Approval to Pursue (Date): February 11, 2016

Tract: Galloway Tract Phase II and III, Rockingham County, 1,102 Acres

Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):

Donation from Piedmont Land Conservancy

Based on Appraisal: Yes No NA

If Yes, Name of Appraiser:

Date of Appraisal: .

Appraisal Handled by State Property Office: Yes No NA

Acquisition Plan Includes Bargain Sale: Yes No

If Yes, Explain Details:

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

Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)

Five Year Estimate of Total Stewardship Expenditures:

\$38,500

Five Year Estimate of Total Projected Revenue:

\$40,000

WORKSHEET
Five Year Stewardship Costs and Revenue Projections
(Five Years Post Acquisition)

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
Galloway Dan River GL	Est. Boundary	14.5	Mi.	300.00	\$ 4,350.00
	Est. Parking Area	2	Ea.	2,500.00	5,000.00
	Install Gates	5	Ea.	1,000.00	5,000.00
	Est. Firebreaks	1.5	Mi.	3,000.00	4,500.00
	Prescribe Burn	200	Ac.	30.00	6,000.00
	Herbaceous Planting	50	Ac.	200.00	10,000.00
	Maintain				
	Roads/Trails	1.5	Mi.	2,500.00	3,750.00
Total					\$ 38,500.00
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
Galloway Dan River GL	Timber Harvest 1 st Thinning	4,000	Tons	10.00/Ton	\$ 40,000.00
	Total				
<i>Insert additional rows in table as needed</i>					

**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-PHASE I: INITIAL INVESTIGATION-

WRC Staff Contact: Todd Ewing & Isaac Harrold

Date First Presented to WRC: February 11, 2016

Tract Name: Galloway Tract (Dan River): PIN 796800534204

Acreage: 1,768

County: Rockingham

Estimated Value: \$4.25 million

Property Owner or Representative: Kevin Redding, Piedmont Land Conservancy

Phone: (336) 691-0088

Address: 1515 W Cornwallis Dr. # 205
Greensboro, NC 27408

Status: High Interest Moderate Interest Low Interest No Interest

Grant Potential: CWMTF

OTHER (explain): National Fish and Wildlife Foundation (NFWF) Coal
Ash Settlement funds

Resources Assessment and Biological Benefits (brief): This tract is located in central Rockingham County, south of Eden. It has approximately 3.8 miles of frontage on the Dan River. Acquisition of this tract will help protect the federally-listed Roanoke Logperch, several State Listed species, and multiple Wildlife Action Plan species. This tract will offer angler access to the Dan River, which contains a popular Largemouth Bass, Sunfish, and Channel Catfish fishery. Also, there is potential for canoe access area.

The vast majority of the uplands on this property have been converted in the last quarter century to extensive loblolly pine plantations, thus creating a large percentage of early successional habitat. The bottomlands and slopes, have also been clearcut or severely high-graded in the last half century. Except for riparian buffer areas, there is very little mature or high quality forest remaining. (Riparian buffers on this tract total almost 530 acres.) However, the slopes have recovered somewhat and the bottomland second growth has returned to pole stage/pulpwood size.

There are approximately 72 acres of fields currently in agricultural production or at least being maintained as open, with considerable acreage, especially in the bottomlands that has been abandoned and has returned to typical floodplain forest species. One unique opportunity exists to create a managed waterfowl impoundment along the southwestern corner of the property

between the slopes and the river. Site specifics and soil characteristics were not determined, but from topographical examination, an impoundment of 130-140 acres could possibly be built. There are a few old small “farm” ponds in various states of function, but these only total ~2.5 acres. Natural wetlands (semi-permanent impoundments) at the northern end of the property total ~12-15 acres in wet times.

This tract would provide excellent hunting opportunities for both big game and small game species. Deer and turkey hunting would likely need to be administered through the Permit Hunt Opportunities Program. Small game and migratory bird hunting should be monitored by Point-of-Sale Permitting. This tract has great potential for public dove field development, appears premier for rabbit hunting, offers good opportunity for squirrel and raccoon, likely still retains some Bobwhite Quail, and certainly holds good numbers of wintering woodcock and waterfowl during specific times of the year.

Prescribed burning opportunities are considerable on this tract. An extensive network of very well-maintained roads and trails, good access points, the presence of a major transmission powerline ROW, and the proximity to the river would allow very safe burning conditions and a minimal amount of significant fireline construction to eventually maintain the pine uplands.

Additional Comments: The tract offers ample public access via Riverside Road (SR 2108), Woodpecker Road (SR 2110), Buttercup Road (SR 2107), and NC Hwy 770.

Preliminary estimates of five-year stewardship expenditures include marking/maintaining ~14.5 miles of property boundary (\$2,900), installing 5 gates (\$5,000) and developing 1 small parking area (\$1000) for a total estimated cost of \$8,900.

No short-term revenue is projected from the tract. However, future timber management in extensive loblolly pine plantations will generate significant revenue, with first-thinnings, second-thinnings, and eventual final harvests. Currently, many of the loblolly pine stands are in need of first-thinning, as none are older than about 20 years of age.

Program Potential: Game Land (New) Wildlife Conservation Area
 Fishing Access Area

Potential Source(s) of Stewardship Funds (indicate federal: state match rates):
P/R funds (75% Federal, 25% State) Sportfish Restoration funds - (75% Federal, 25% State),
State Wildlife Grants (65% Federal, 35% State)

Relative Priority Evaluation Score (attach worksheet):

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

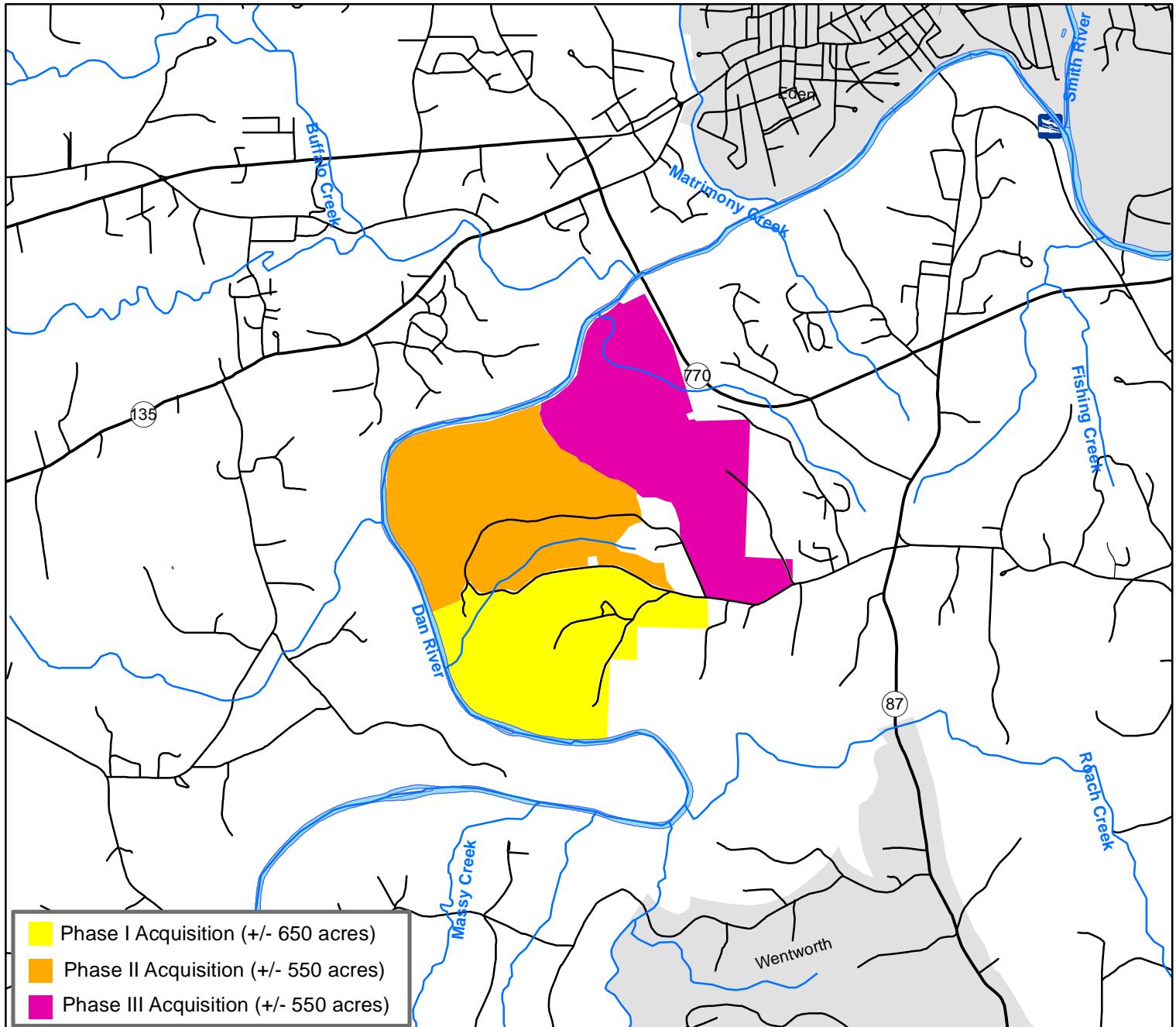
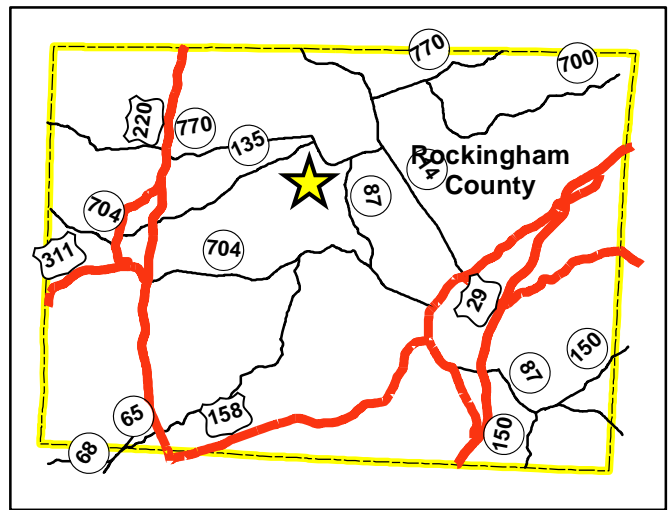
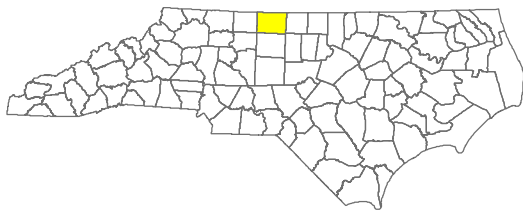
WORKSHEET




Relative Priority Evaluation for Conservation Lands

Tract Name (Dan River) Galloway Tract (Rockingham County)

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>Yes</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>
TOTAL SCORE	<u><u>30</u></u>

Galloway Tract Rockingham County 1,768 Acres



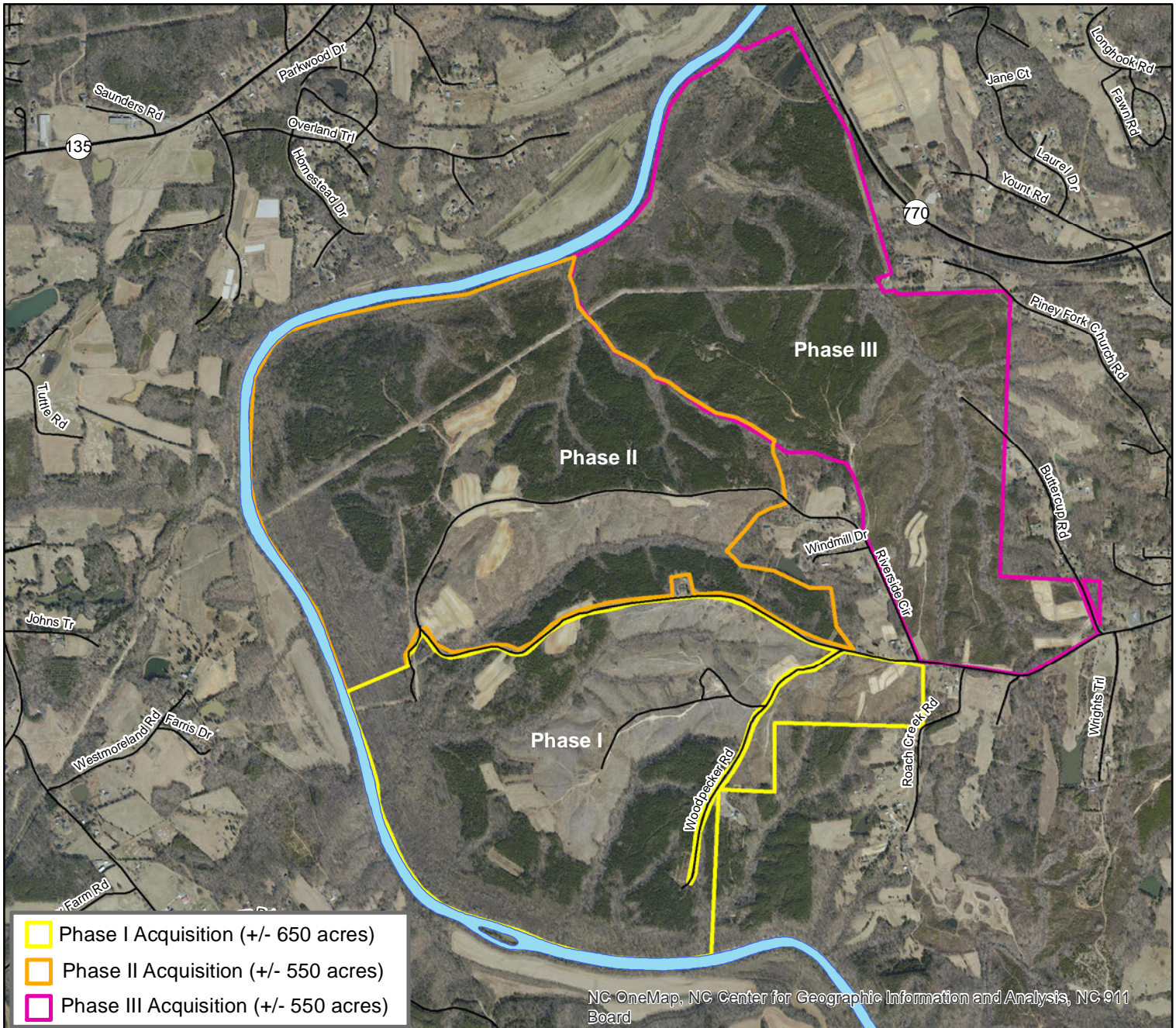
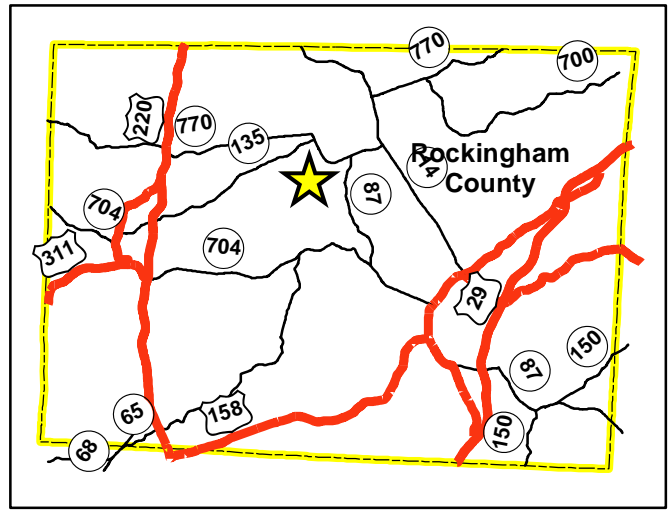
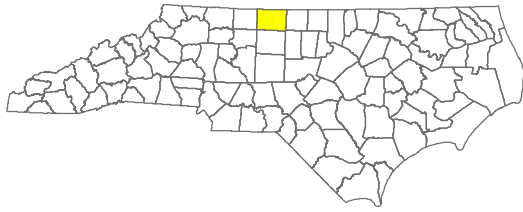
-  Phase I Acquisition (+/- 650 acres)
-  Phase II Acquisition (+/- 550 acres)
-  Phase III Acquisition (+/- 550 acres)



November 20, 2016



Galloway Tract Rockingham County 1,768 Acres



November 20, 2016

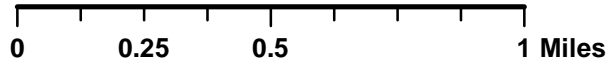


EXHIBIT E

August 23, 2017



⊠ North Carolina Wildlife Resources Commission ⊠

August 15, 2017

MEMORANDUM

TO: Brian McRae, Section Chief
Land and Water Access

FROM: Chris Jordan, Game Lands and Forest Resources Manager
Land and Water Access

SUBJECT: North Carolina Field Trial Association 2017-2018 Running Schedule
J. Robert Gordon Field Trial Grounds

The 2017-2018 running schedule submitted by the NC Field Trial Association for use of the J. Robert Gordon Field Trial Area is consistent with NCAC rules governing this use and staff recommends approval.

Land and Water Access

Mailing Address: 1720 Mail Service Center, Raleigh, N.C. 27699-1720

Physical Address: 1751 Varsity Drive, Raleigh, N.C. 27606

Phone: 919-707-0150

Fax: 919-707-0162

**NORTH CAROLINA FIELD TRIAL ASSOCIATION
RUNNING SCHEDULE
2017-2018**

<u>Date</u>	<u>Club</u>	<u>Location</u>
October 6-8	Duplin County Field Club	Warsaw
October 14-15	Decoy Lake	Linden
October 20-22	Tar Heel Championship	Hoffman
October 23-25	Central Carolina – Open	Hoffman
October 27-29	Catawba Classic	Hoffman
November 2-5	Richmond County	Hoffman
November 9-12	Central Carolina	Hoffman
December 1-3	Carolina Amateur	Hoffman
December 8-10	German Shorthaired	Hoffman
December 14-17-	REGION 3	Hoffman
December 18-20	NC Shooting Championship	Hoffman
December 29-- Jan 3	Swamp Fox	Hoffman
December 30-31	Aurora	Pactolus
January 5-7	Pinehurst	Hoffman
January 13-15	Tarheel Brittany	Hoffman
January 18-21	Southeastern Brittany	Hoffman
January 22-24	Atlantic Coast Championship	Hoffman
January 29-Feb 2	US Quail Futurity	Hoffman
February 3-5	Yankee Field Trial	Hoffman
February 9-11	NC Ama All Age	Hoffman
February 16-18	Reg 3 Ama Shoot. Dog Championship	Hoffman
February 22-24	SE US Complete Shooting Dog Assoc.	Hoffman
March 2-4	Spring Valley	Hoffman
March 15-18	NC Open All Age	Hoffman
March 19--21	NC Open Quail Chmp.	Hoffman
March 22-25	NC Field Trial Assoc	Hoffman
	And NC Pointing Dog Assoc.	



Fiscal Note for Proposed Wildlife Captivity and Rehabilitation Rules for the Wildlife Resources Commission

Rule Amendments: 15A NCAC 10H .1401 Definitions and General Requirements for Captivity Licenses
15A NCAC 10H .1402 Minimum Standards
15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation
15A NCAC 10H .1404 Captivity License for Holding Wildlife
15A NCAC 10H .1405 Captivity License Revocation and Enforcement
15A NCAC 10H .1406 Forms for Captivity Licenses

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Impact Summary: State Government: Yes
Local Government: Yes
Private Impact: Yes
Substantial Impact: No

Authority: G.S. 14-418(c), 19A-11, 106-549.97(b), 113-131, 113-134, 113-140, 113-272.5, 113-272.6, 113-274, 113-276.2, 113-274, 150B-3

Background

The wildlife resources of the State belong to the people of the State, including the enjoyment of these resources (G.S. 113-131(a)). The Wildlife Resources Commission (hereinafter WRC or Commission) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

I. Introduction and Purpose of Rule Change

In 2013, the General Assembly passed a bill that amended G.S. 113-272.5. Captivity license, to provide for the issuance of captivity licenses for wild animals or birds lawfully taken for scientific, educational, exhibition or other purposes. Effective September 30, 2015, farmed captive cervids were transferred from the WRC to the NC Department of Agriculture and Consumer Services (DACCS) via G.S. 106-549.97. Because of these changes, the captivity rules in 10H .0300 required revision to ensure that the intent of the statutes was clear and unambiguous in rule, and to specify terminology for consistent application. Additionally, it was necessary to distinguish the regulatory differences between holding wildlife for rehabilitation purposes from holding wildlife in long-term/permanent captivity. To accomplish this, 15A NCAC 10H, subsections .0301 - .0304 were revised and reorganized into a new Section of subchapter 10H (15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation). The proposed rules split rehabilitation and long-term captivity requirements, incorporate necessary definitions and provisions to be used throughout the subchapter, detail enforcement actions, and specify form contents. The new Section applies to all captivity licenses issued by the Commission and to those non-farmed cervid facilities issued a license prior to September 30, 2015.

Proposed rules can be found in Appendix C.

II. Fiscal Impacts - Costs

State Impact

The revisions to the captivity and rehabilitation rules are anticipated to have minimal economic impacts on the state.

Rehabilitation

Wildlife rehabilitators are required to be licensed by the WRC prior to caring for injured, crippled, orphaned, or otherwise unfit wildlife. While a vast network of rehabilitators exists both locally and nationally, providing support and education to these individuals, the agency does not currently verify an individual's knowledge of basic rehabilitation skills or state requirements. To address this, 15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation specifically requires that individuals applying for a rehabilitation license successfully complete the NC general wildlife rehabilitation examination. In addition to the general exam, it is proposed that wildlife rehabilitators wishing to rehabilitate white-tailed deer fawn and elk calves complete another exam specific to those species. These exams do not currently exist, and will need to be developed by agency staff prior to implementation. For the general wildlife rehabilitation exam, it is estimated that the agency will incur a one-time cost of approximately \$12,266, for test development (\$66.67/hr x 25 hrs = \$1,667), IT platform design (\$52.17/hr x 80 hrs = \$4,174) and development (\$51.37/hr x 80 hrs = \$4,110), and support and project oversight (\$38.58/hr x 60 hrs = \$2,315). Additionally, the agency estimates an annual recurring cost of approximately \$2,439 per year, related to administrative duties including exam revision (\$66.67/hr x 10 hrs/yr = \$667/yr), content upkeep (\$51.37/hr x 10 hrs/year = \$514/yr), project oversight (\$38.58/hr x 12 hrs/yr = \$463/yr), and administrative duties (\$33.11/hr x 24 hrs/yr = \$795/yr). An additional

cost to the agency of \$6,316 is anticipated for development (\$66.67/hr x 25 hrs/yr = \$1,667), IT platform design (\$52.17/hr x 30 hrs = \$1,565) and development (\$51.37/hr x 30 hrs = \$1,541), and support and project oversight (\$38.58/hr x 40 hrs = \$1,543) of the fawn/calf rehabilitation exam. Annual recurring costs of approximately \$2,439 are estimated for exam revision (\$66.67/hr x 10 hrs/yr = \$667/yr), content upkeep (\$51.37/hr x 10hrs/year = \$514/yr), project oversight (\$38.58/hr x 12 hrs/yr = \$463/yr), and administrative duties (\$33.11/hr x 24 hrs/yr = \$795/yr).

Tagging of rehabilitated white-tailed fawn and elk calves is another proposed addition in 15A NCAC 10H .1403. The new provision would require any cervid in the possession of a licensed rehabilitator for a period longer than 24 hours, to be tagged with tags supplied by the Commission. Based on the estimated number of fawn rehabilitated in 2016, it is anticipated that the agency will incur an annual cost of approximately \$786 (393 fawn x \$2.00 /tag = \$786) to purchase ear or button tags.

Long-Term Captivity

Proposed changes to long-term captivity rules allow the Commission to require tagging or marking of wild animals and wild birds kept in long-term captivity in a manner appropriate for the species. Specific tagging requirements will be determined on a case-by-case basis taking into consideration the animal's size, location and reason for captivity. However, it is assumed that the Commission will supply any required tags, and that recommended tags may include ear tags, button tags, or microchips/pit tags. Based on the current number of animals held under long-term captivity licenses (509), it is estimated that the maximum one-time agency cost for marking these animals would be approximately \$173 for button tags (\$0.34/tag x 510 tags = \$173), \$1,020 for ear tags (\$2/tag x 510 tags = \$1,020), or \$918 for microchips/pit tags (\$1.80/tag x 510 tags = \$918). Because all animals do not require the same type of tag, the agency expects to have enough tags to last several years.

The tagging requirement applies to all wild animals and wild birds kept in long-term captivity, including those at state-owned facilities. Tagging requirements will be specific to each species and the license holders may incur a cost for the act of tagging. However, most state-owned facilities have both the equipment and trained staff to perform the tagging, thus, would incur no substantial additional cost to comply with this requirement.

Local Impact

The proposed 10H .1400 Rules are anticipated to have minimal local economic impacts. Based on current license data, only facilities owned by local governments (currently six licensed) would be impacted by the amendments.

Long-Term Captivity

Only two cases of accidental reproduction with animals in long-term captivity have been reported to the Commission in the past 10 years. Though the agency is unable to predict the unreported number of cases, it can reasonably be assumed, based on available data, that no more than one case of accidental reproduction occurs every five years. Because the proposed changes to the rules will make reproduction of wild animals and wild birds in captivity unlawful, the license holder may elect to have animals spayed or neutered to avoid the potential, especially if males and females are kept together. A licensed veterinarian must spay or neuter a wild animal,

at a one-time cost to the license holder of approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.¹

The Commission's proposal to prescribe permanent tagging of wild animals and wild birds kept in long-term captivity, may also introduce a cost to the license holder. Tagging requirements will be specific to each species, based on the animal's size, location, and reason for captivity. Recommended tags may include ear tags, button tags, or microchips/pit tags. Though it is assumed that the WRC will purchase and provide the tags, the license holders may incur a cost for the act of tagging. Depending on experience and equipment, tagging could be self-performed. For example, ear tags could be affixed by the license holder using a \$25 applicator. However, a microchip/ pit tag would need to be administered by a veterinarian at a cost of anywhere from \$25 - \$50 per animal.

Private Impact

The proposed 10H .1400 Rules are expected to have minimal private impacts.

Rehabilitation

Caging requirements in the current captivity rules do not differentiate between rehabilitation and long-term captivity. The cage sizes vary only by species and depend on the number of animals kept in the cage. Proposed changes to Minimum Standards, differentiate requirements based on the type of license. Caging requirements specific to wildlife rehabilitation, reference *Minimum Standards for Wildlife Rehabilitation*², which include recommendations for caging based on life stage of the animal(s) being rehabilitated. Though the proposed caging requirements are more appropriate for each species, requiring additional cage sizes could create an additional cost for those rehabilitators who care for more than one life stage of a species. Further, this cost could be multiplied if a rehabilitator cared for more than one species. For example, in current rule, a single animal enclosure for a squirrel, regardless of life stage, is 4' x 2' x 2' (8ft²). The agency estimates that building a wooden cage with ½ inch wire mesh to these specifications would cost a rehabilitator approximately \$31. The revised minimum standards specify cage sizes for infants, nursing/pre-weaned, juvenile (outside), adult (outside), and restricted injured adults. If a rehabilitator wanted to work with infant, nursing, and juvenile squirrels, the agency estimates a one-time caging cost that could range from approximately \$160 - \$400. Similarly, a rehabilitator working with opossums, currently requires a cage that is 6' x 3' x 3' (18ft²). The agency estimates that building a wooden cage with ½ inch wire mesh to these specifications would cost a rehabilitator approximately \$48. Assuming the same scenario above of the rehabilitator working with infant, nursing, and juvenile opossums, the agency estimates one-time caging costs in the range of approximately \$234 - \$500 could be incurred. A breakdown of the costs is below, with a more detailed description in Appendix A.

¹ Cost estimates obtained from local (Raleigh area) veterinarian.

² Miller, E.A., editor. 2012. *Minimum Standards for Wildlife Rehabilitation*, 4th edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages.

Stage	Cage Size for Squirrels	Approximate Cost for Squirrels ⁵	Cage Size for Opossums	Approximate Cost for Opossums ³
<i>Current Standards</i>	<i>4ft. x 2ft. x 2ft.</i>	<i>\$31</i>	<i>6ft. x 3ft. x 3ft.</i>	<i>\$48</i>
Infant	10 Gallon	\$4	10 Gallon	\$4
Nursing/Pre-weaned	10 – 20 Gallon	\$ -	3ft. x 3ft. x 3ft.	\$30 to \$45
Juvenile (outside)	3ft. x 6ft. x 6ft.	\$156 to \$397	10ft. x 12ft. x 8ft.	\$200 to \$450
Total		\$160 to \$401		\$234 to \$499

The cost of rehabilitation is influenced by a variety of factors in addition to species. Per Claws, Inc., a local non-profit wildlife rescue/rehabilitation organization, it costs approximately \$4.16 per month to rehabilitate one healthy orphaned duckling, \$10 per month to rehabilitate one health orphaned squirrel, and \$4.50 per day to rehabilitate one healthy fawn.⁴ This cost does not include any veterinarian bills, medications, caging, or permits required to rehabilitate the animal, as the cost is different for each case. Animals that are sick and require special veterinary care and/or medication may introduce an additional cost to the rehabilitator.

Medications used to treat wildlife are prescribed by a veterinarian for off-label use. Though the cost of specific medications cannot be quantified due to variability between manufacturers and dosages, the withdrawal times are known.⁵ For example, the antibiotic Gentamicin is commonly used for infections and is administered via intramuscular injection. The withdrawal time for this antibiotic is 18 days.⁶ Ivermectin, a medication commonly administered for deworming, requires a withdrawal time that ranges from 24 days if administered orally, to 48 days if administered topically.⁷ Depending on the species, and when the animal was treated (assuming it was treated the day prior to scheduled release), the proposed requirement in 15A NCAC 10H .1403 that the animal be withdrawn from any medication prior to release back to the wild, could cost the rehabilitator anywhere from approximately \$2.52 for a duckling administered Gentamicin ($\$4.16/\text{month} / 30 \text{ days/month} = \$0.14/\text{day} \times 18 \text{ days} = \2.52) to approximately \$216 for a fawn being treated topically with Ivermectin ($\$4.50/\text{day} \times 48 \text{ days} = \216). A breakdown of estimated costs is below with more detailed information in Appendix B.

³ Costs estimated for materials used to build cages (homedepot.com).

⁴ www.nc-claws.org.

⁵ <http://www.farad.org/>

⁶ <http://www.farad.org/Publications/Digests/072005AminoglycosideResidues.pdf>

⁷ <http://www.farad.org/Publications/Digests/092000ExtralabelIvermectinMoxidectin.pdf>

Species	Gentamicin (18 days)	Ivermectin (24 days)	Ivermectin (48 days)	Approximate Range of Costs
Duckling	\$2.50	\$3.33	\$6.66	\$2.50 - \$7
Squirrel	\$6.00	\$8.00	\$16.00	\$6 - \$16
Fawn	\$81	\$108	\$216	\$80 - \$216

Tagging of rehabilitated white-tailed fawn and elk calves is another proposed addition to the rules. The new provision would require any fawn or calf in the possession of a licensed rehabilitator for a period of longer than 24 hours, to be permanently tagged with a Commission-supplied ear tag. However, it would be the responsibility of the rehabilitator to affix the tags. The standard applicator used for ear tags costs approximately \$25.⁸ This would be a one-time cost to the rehabilitator.

Long-Term Captivity

Accidental reproduction is not common for animals in long-term captivity. Only two cases have been reported to the Commission in the past 10 years. Though the agency is unable to predict the un-reported number of cases, it can reasonably be assumed based on available information, that no more than one case of accidental reproduction occurs every five years. Because the proposed changes to the rules will make reproduction of wild animals in captivity unlawful, license holder may elect to have animals spayed or neutered to avoid the risk, especially if males and females are kept together. A licensed veterinarian must spay or neuter a wild animal, at a one-time cost to the license holder of approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.

The Commission’s proposal to prescribe permanent tagging of all wild animals and wild birds kept in long-term captivity, may also introduce a cost to the license holder. Tagging requirements will be specific to each species, based on the animal’s size, location, and reason for captivity. Recommended tags may include ear tags, button tags, or microchips/ pit tags. The WRC will purchase and supply the tags used on these animals, but the license holders will likely incur a cost for the act of tagging. Depending on the license holder’s experience and equipment, tagging and/or marking could be self-performed. For example, ear tags can be affixed by the license holder using a \$25 applicator. However, a microchip/pit tag would have to be administered by a veterinarian at a cost of anywhere from \$25 - \$50 per animal.

III. Fiscal Impacts - Benefits

State Impact

Rehabilitation

Proposed amendments to the captivity licensing rules eliminate the requirement for rehabilitation facilities to be inspected prior to license issuance. This added flexibility will allow agency personnel to conduct inspections when they can be reasonably certain that the rehabilitator will

⁸ <https://nationalband.com/products/self-piercing-ear-tags-1005-49/>.

have animals on-site, thus reducing time lost to unproductive inspections. Based on the average number of applications for rehabilitation licenses received each year from 2014 – 2016 (40) and the amount of time that each inspection requires (approximately 30min.), the agency could save up to approximately \$660 per year in lost time by implementing this rule change (\$33/hr x .5 hrs x 40/yr = \$660/yr). The agency will retain the ability to inspect licensed facilities throughout the year.

Local Impact

The proposed changes to the captivity and rehabilitation rules are expected to have no local benefits.

Private Impact

Rehabilitation

Though the proposed rules to establish minimum standards for caging specific to wildlife held for rehabilitation are more prescriptive, they are widely recognized and utilized standards that may create cost savings for rehabilitators, depending on the species that they rehabilitate and the life stage(s) of the animals that they care for. For example, if a rehabilitator only desires to work with infant gray squirrels, the agency's current rules require them to have a cage that is no less than 4 ft. x 2 ft. x 2 ft. (length x width x height). The proposed standards would only require that the rehabilitator have a 10-gallon cage for nursing gray squirrels. Additionally, the proposed standards contain options for caging materials, which introduces the flexibility of customizing a cage that meets not only the animal's needs but also the rehabilitator's budget. Based on agency estimates for construction of a wood and wire mesh box meeting current minimum standards of 4 ft. x 2 ft. x 2 ft., and proposed requirements for indoor caging of infant mammals, a rehabilitator working with infant gray squirrels could reasonably expect to save approximately \$15 to \$31 by utilizing a cardboard box, hard plastic tote or glass aquarium, as opposed to a wooden/wire cage.⁹

Rehabilitation of rabies vector species (RVS) has not historically been permitted by the WRC. However, this has not been clearly stated in agency rules. The proposed 10H .1400 rules specifically identify RVS and prohibit their rehabilitation. Because the only way to prevent rabies is by eliminating exposures to rabid or potentially rabid animals, the proposed prohibition is an attempt to help prevent the unintentional transmission of the virus, which is 100% fatal if not treated, and has been found in wild mammals in all 100 counties of the state.¹⁰

Rabies is commonly transmitted to people through the bite of an animal carrying the disease, as it is communicable during the period of salivary shedding. The only proven way to survive rabies exposure is by receipt of timely post-exposure prophylaxis.¹¹ While exact figures for the cost of rabies post-exposure prophylaxis depend on a variety of factors (patient's weight, drug manufacturer, insurance coverage, etc.), data obtained from the NC State Laboratory of Public Health estimate that post-exposure prophylaxis for a healthy person that was never vaccinated

⁹ See Appendix A for cost break-down.

¹⁰ <http://epi.publichealth.nc.gov/cd/rabies/figures.html>.

¹¹ Compendium of Animal Rabies Prevention and Control, 2016. Public Veterinary Medicine: Public Health. <http://www.nasphv.org/Documents/NASPHVRabiesCompendium.pdf>.

against rabies prior to their exposure, could cost more than \$8,000.¹² From 2008 – 2010, approximately 780 people visited a North Carolina emergency department for a wildlife bite.¹³ Assuming that post-exposure prophylaxis was administered in all 780 cases, the cost to individuals would equal approximately \$6.24 million dollars (780 people x \$8,000/person = \$6,240,000). While it cannot reasonably be assumed that every treated bite was from a RVS, nor can it be assumed that every bite was documented, these estimates can help to infer the magnitude of potential cost associated with wildlife bite injuries in North Carolina. Explicitly prohibiting rehabilitation of RVS will help to minimize the risk of exposure, thus potentially helping individuals avoid costly treatment.

IV. Uncertainties

State Impact

Rehabilitation

Over 15,000 people contact the WRC each year about what they believe to be orphaned wildlife, injured wildlife, or human-wildlife conflicts. Staff spend approximately 10 minutes on each call received.¹⁴ In many cases, the agency can resolve these concerns. However, the agency does not have the capacity to care for wild animals. The agency encourages the public to leave wild animals alone, however, many members of the public exhibit a strong emotional response to perceived pain and suffering of an animal.¹⁵ It is never in the best interest of the public or the animal for an untrained person to care for wildlife, no matter how well-intentioned their efforts may be. Thus, if an issue arises in which an animal needs to be cared for, the public and the agency both rely on licensed rehabilitators for this assistance. Not only do rehabilitators care for animals, they can directly assess situations before taking animals in. The expertise and experience of these individuals supplement the assistance that the agency provides. Unfortunately, however, no data are available on the hours that individual rehabilitators devote to troubleshooting with the public. Thus, though the public service they provide is very valuable, it is not directly quantifiable.

Raccoon-variant rabies, that which is most prevalent in NC, often effects pets, livestock and other wildlife, even some that are traditionally considered to be low risk for the virus. A raccoon-variant rabies eradication effort, the National Rabies Management Program, has been implemented in nine NC counties along the Tennessee-North Carolina border since September 2015.¹⁶ Prohibiting physical contact between rabies species and the public, domestic animals, non-native animals, livestock and other wildlife species held in captivity for either rehabilitation or long-term holding, is a step towards preventing the spread of the rabies virus. Though costs associated with disease diagnostics, prevention and control in the US are known to be substantial, reporting of exposures and treatments are not required, therefore, the benefits of limiting exposure to these species is unquantifiable.

¹² Data obtained from NC Department of Health and Human Services staff, May2017.

¹³ https://ncdetect.org/files/2016/12/NC_DETECT_Animal_Bites_2012_FactSheet.pdf

¹⁴ 2016 WRC Human Wildlife Interaction automated call distribution data.

¹⁵ Wildlife Rehabilitators Do more than People Realize, S. J. Casey and A.M. Casey, 2009.

¹⁶ NC DPH: Oral Rabies Vaccine (ORV Program). <http://epi.publichealth.nc.gov/cd/rabies/orv.html>.

Beyond the public health benefits of prohibiting rehabilitation and release of rabies vector species, there is a wildlife health benefit. When an injured animal comes to a rehabilitator, there is uncertainty in many cases around how the animal's injury was sustained. Because the shedding period for rabies is unknown in most species, there is no assurance that the rehabilitator will not be exposed, or that the rehabilitator will not release a rabid animal back into the wild to infect other persons, domestic animals or wildlife. This unknown risk of rehabilitating rabies vectors is circumvented by the agency's proposed explicit prohibition of RVS rehabilitation, which is known to be a benefit to the state, though it is unquantifiable.

The proposed rules relating to enforcement in 10H .1405 introduce options for non-compliance with captivity licenses. Adding the options for warnings, license modification, revocation, or suspension increase administrative and enforcement flexibility for the agency. Additionally, it will allow the agency to address compliance issues without completely losing a resource. Unfortunately, the agency has no way to quantify these benefits.

The proposed addition of wild turkey and bear cubs to the list of species able to be rehabilitated may benefit the agency by providing additional resources. Because the agency does not rehabilitate wildlife, staff rely on licensed individuals to care for these animals when needed. While the agency has no way to estimate how many individuals will request licenses to rehabilitate these species, the removal of the prohibition to have them in captivity for rehabilitation may constitute an added resource for staff. Additionally, the inclusion of wild turkey will also make it easier for staff to inspect facilities with turkeys, as it is difficult to distinguish between wild turkeys and other turkey species that have, and continue to be legally kept in captivity.

Local Impact

Long-Term Captivity

Proposed amendments to the minimum standards for holding wildlife in captivity are based on recommendations from Animal Care and Enclosure Standards published by the Zoological Association of America. The proposed amendments are species specific and detail facilities sizes, enrichment activities, cleaning requirements and shelter specifications that were not previously required or specified by rule, but have been incorporated to improve quality of care and facilitate compliance at these facilities. For local government operated facilities, these modifications are not anticipated to initiate many changes, as most of these facilities already adhere to more rigorous standards than are proposed in 15A NCAC 10H .1402. However, if it is necessary for a facility to make costly changes to comply with the new standards, they have the option of changing the number/ and or size(s) of animals held in each enclosure, thus allowing them to achieve compliance without modifying their habitats. Because of the options for compliance and variability of requirements for different animals, the agency cannot estimate potential costs.

Private Impact

Rehabilitation

15A NCAC 10H .1403, Captivity License for Wildlife Rehabilitation, proposes to require that individuals applying for a rehabilitation license successfully complete the NC general wildlife rehabilitation examination. In addition to the general exam, it is proposed that wildlife

rehabilitators wishing to rehabilitate white-tailed deer fawn complete another exam specific to those species. While both exams will be “open book” and it is not anticipated that either exam will require an extensive time commitment for completion, this will be an added burden on individuals, as they will be required to pass the exam before they are issued a rehabilitation license. Because the exam has not yet been developed, the agency is unable to determine the amount of time and effort required by individuals for completion.

Proposed changes eliminate the requirement for rehabilitators to be inspected before obtaining their license. This has been an inconvenience in the past because most individuals do not know what animals they will get, and therefore what cage(s) to build or buy, before they start rehabilitating. While facility inspections are still a part of the proposed rules, the removal of the pre-license inspection requirement will allow them to be conducted at more appropriate times. This change will save the rehabilitators time, by avoiding unnecessary inspections, and money, by avoiding the purchase of unnecessary cages. Rehabilitators will only need cages to keep the animals that they currently possess at the time of inspection.

Additionally, the proposed rules allow for the rehabilitation of wild turkey and bear cubs, and long-term captivity of wild turkey. While the agency has no way to estimate how many individuals will request captivity permits for this species, the removal on a prohibition to rehabilitate and have a new species in captivity increases opportunities.

While most proposed changes to the rules are expected to benefit rehabilitators and the public, the explicit prohibition on RVS rehabilitation could be considered a lost opportunity and subsequently a lost social benefit. Unfortunately, due to lack of data, the agency is unable to estimate this loss.

Long-Term Captivity

With proposed changes to the captivity rules that allow for exhibition of wild animals, more opportunity for license holders and the public to interact with wildlife will likely exist. These opportunities may help to educate the public about animals that they often see from a distance but don't know much about. Opportunities like this lead to several other benefits not only to the species but also to the license holders. Information can be shared that not only supports the agency's mission of conservation, but spreads the word about safety, quality care and the effort required to support these wild animals in humane ways.

While most proposed changes to the rules are expected to benefit long-term captivity license holders, the transfer of farmed cervids from the Commission to the Department of Agriculture and Consumer Services via G.S. 106-549.97 in 2015 requires that new restrictions are implemented on existing non-farmed cervid herds. Because the agency is discontinuing the long-term holding of wild cervids (non-farmed cervids), clear restrictions are proposed in 10H .1403 on facilities with captive cervid licenses issued prior to September 30, 2015. The new restrictions are expected to affect seven (7) facilities, and notable changes include no new cervids, no reproduction and transfer only between existing non-farmed herds. These restrictions could be considered a lost opportunity and subsequently, a lost social benefit. However, the proposed changes could also be considered a benefit to the State. By placing restrictions on non-farmed cervids, the agency is making efforts to avoid the spread of chronic wasting disease, which if introduced to North Carolina could have serious negative impacts to the native White-

tailed deer population and deer hunting in NC. Unfortunately, the agency has no way to quantify these potential losses or benefits.

Finally, proposed amendments to the minimum standards for holding wildlife in captivity have the potential to add a cost for long-term captivity license holders. The proposed standards are based on recommendations from Animal Care and Enclosure Standards published by the Zoological Association of America. The proposed amendments are species specific and detail facilities sizes, enrichment activities, cleaning requirements and shelter specifications that were not previously required or specified by rule, but have been incorporated to improve quality of care and facilitate compliance at these facilities. Depending on the species and the current facilities, the addition of these requirements could add a cost. However, the license holder also has the option of changing the number and/or size(s) of animals held. Because of the options for compliance and variability of requirements for different animals, the agency cannot estimate potential costs.

V. Economic Impact Summary¹⁷

In estimating the economic impact of the proposed amendments to the captivity and rehabilitation rules, many costs identified were quantifiable. These include the following:

State

Rehabilitation

- General wildlife rehabilitation exam: Year 1 = \$12,266; Recurring = \$2,439/year
- Fawn rehabilitation exam: Year 1 = \$6,316; Recurring = \$2,439/year

Long-Term Captivity

- Ear tags for fawns: \$780/year
- Other wildlife tags: \$173 (button), \$1,020 (ear), \$918 (microchip/pit)

Local

Long-Term Captivity

- Spay/neuter: \$350
- Tagging: \$38/animal

Private

Rehabilitation

- Caging for various life stages: \$330
- Withdrawal time: \$109
- Ear tag applicator: \$25

¹⁷ Median values have been used to calculate estimates for costs and benefits identified as ranges in the narrative of this document.

Long-Term Captivity

- Spay/neuter: \$350
- Tagging: \$38/animal

Based on these estimates, the agency expects a cost of approximately \$22,713 in year one, and a recurring cost of approximately \$5,658 each year thereafter.

While a number of benefits associated with the proposed amendments have been identified, many cannot be quantified due to lack of data. Quantifiable benefits include the following:

State

Rehabilitation

- Removal of pre-license facility inspections: \$660

Private

Rehabilitation

- Minimum standard for caging: \$23

Unquantifiable costs and benefits include the following:

State

Rehabilitation

- Value of rehabilitator's time
- Supporting national rabies eradication efforts
- Public health benefit of prohibiting RVS rehabilitation
- Wildlife health benefit of prohibiting RVS rehabilitation and release
- Options for non-compliance with captivity licenses
- Additional resources for rehabilitation of turkey and bear cubs

Local

Long-Term Captivity

- Changes to minimum requirements of animal enclosures

Private

Rehabilitation

- Time required to take the general and deer fawn/elk calf exam(s)
- Time saved by elimination of unproductive pre-license facility inspection
- Money saved for purchasing/building appropriate cages for animals in rehabilitation
- Increased opportunities for rehabilitating turkey and bear cubs

- Lost opportunity to rehabilitate RVS

Long-Term Captivity

- Allowing exhibition increases opportunities for license holders and the public to interact with and learn about wildlife
- Lost opportunities for holding non-farmed cervids in long-term captivity
- Increased detail in the minimum standards for caging and keeping wildlife

Wildlife rehabilitation is a public service. The public in general, does not like to see wild animals suffer and likes to know that there are options for saving injured and orphaned wildlife. Additionally, people enjoy interacting with and learning about wildlife. This is done through both viewing wildlife in nature and interacting with wildlife in captivity. Comparatively speaking, the WRC offers little in the way of hands-on wildlife education. Most of these services are provided by individuals or groups with a passion for helping animals and bridging the gap between wildlife and the public.

Captivity license holders for both wildlife rehabilitation and long-term holding, along with the state, will benefit from the agency's proposed modifications to the captivity rules. These amendments and additions will increase opportunities, protect human and wildlife health, and improve clarity of requirements and standard of care for each species, to improve quality of care and provide clarity of consequences for non-compliance. Additionally, changes to the rules will reduce the hurdles to providing sufficient care to wildlife, that will be realized by the state, the public and private individuals.

Although several anticipated benefits resulting from the proposed changes to the captivity rules are not quantifiable with available data, when combined with the quantifiable benefits, the agency expects the benefits of the proposed changes to outweigh the costs.

APPENDIX A – Rehabilitation Caging Cost Estimates

Opossum Cages

Nursing/Pre-weaned 3ft x 3ft x 3ft

Materials	Quantity	Unit Cost	Total
2 x 4 x 12 untreated lumber	3	\$5.40	\$16.20
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
TOTAL			\$33.18

Juvenile Outdoor Low

Materials	Quantity	Unit Cost	Total
2 x 4 x 8 treated lumber	6	\$3.67	\$22.02
2 x 4 x 10 treated lumber	6	\$5.98	\$35.88
2 x 4 x 12 treated lumber	4	\$7.67	\$30.68
1 x 4 x 150 galvanized chicken wire	1	\$79.48	\$79.48
TOTAL			\$168.06

Juvenile Outdoor High

Materials	Quantity	Unit Cost	Total
2 x 4 x 8 treated lumber	8	\$4.67	\$37.36
2 x 4 x 10 treated lumber	8	\$6.12	\$48.96
2 x 4 x 12 treated lumber	8	\$7.67	\$61.36
1 x 4 x 100 galvanized wire mesh	2	\$154.00	\$308.00
TOTAL			\$455.68

Current Requirements 6ft x 3ft x 3ft

Materials	Quantity	Unit Cost	Total
2 x 4 x 12 treated lumber	4	\$7.67	\$30.68
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
TOTAL			\$47.66

APPENDIX A – Rehabilitation Caging Cost Estimates

Squirrel Cages

10-20 Gal

Materials	Quantity	Unit Cost	Total
Aquarium (Walmart.com)	1	\$14.72	\$14.72
Utility storage tote (Target.com)	1	\$4.00	\$4.00
AVERAGE			\$9.36

Juvenile Outdoor Low (3 x 6 x 6)

Materials	Quantity	Unit Cost	Total
2 x 4 x 6 treated lumber	16	\$3.13	\$50.08
1 x 4 x 20 galvanized chicken wire	1	\$27.00	\$27.00
1 x 4 x 150 galvanized chicken wire	1	\$79.48	\$79.48
TOTAL			\$156.56

Juvenile Outdoor High (3 x 6 x 6)

Materials	Quantity	Unit Cost	Total
2 x 4 x 6 treated lumber	24	\$3.72	\$89.28
1 x 4 x 100 galvanized wire mesh	2	\$154.00	\$308.00
TOTAL			\$397.28

Current Requirements (4 x 2 x 2)

Materials	Quantity	Unit Cost	Total
2 x 4 x 8 treated lumber	4	\$3.62	\$14.48
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
TOTAL			\$31.46

APPENDIX B – Medication Withdrawal Cost Estimates

Species	Monthly Cost of Care
Duckling	\$4.16
Squirrel	\$10.00
Fawn	\$135

Duckling

Medication	Daily Cost of Care	Withdrawal Period (days)	Cost of Additional Care
Gentamicin	\$0.14	18	\$2.50
Ivermectin (oral)	\$0.14	24	\$3.33
Ivermectin (topical)	\$0.14	48	\$6.66
Range			\$2.50- \$6.66

Squirrel

Materials	Daily Cost of Care	Withdrawal Period (days)	Cost of Additional Care
Gentamicin	\$0.33	18	\$6.00
Ivermectin (oral)	\$0.33	24	\$8.00
Ivermectin (topical)	\$0.33	48	\$16.00
Range			\$6.00 - \$16.00

Fawn

Medication	Daily Cost of Care	Withdrawal Period (days)	Cost of Additional Care
Gentamicin	\$4.50	18	\$81.00
Ivermectin (oral)	\$4.50	24	\$108.00
Ivermectin (topical)	\$4.50	48	\$216.00
Range			\$81.00 - \$216

EXHIBIT F-2

August 23, 2017



Proposed Rules for adoption 10H .1400. Wildlife Captivity and Rehabilitation Recommended by Agency Staff for Public Notice, Hearing and Comment

Title 15A NCAC 10H .1400. Wildlife Captivity and Rehabilitation

In 2013, the General Assembly passed a bill that amended G.S. 113-272.5. Captivity license, to provide for the issuance of these licenses for exhibition purposes. Effective September 30, 2015, farmed captive cervids were transferred from the Commission to the NC Department of Agriculture and Consumer Services via G.S. 106-549.97. Because of these changes, the agency's captivity rules required revision to ensure that the intent of the statutes was clear and unambiguous in rule, and to specify terminology for consistent application. Additionally, it was necessary to distinguish the regulatory differences between holding wildlife for rehabilitation purposes from holding wildlife in long-term captivity. To accomplish this, the existing captivity rules in 15A NCAC 10H, subsections .0301 - .0304 were revised and reorganized into a new Section of subchapter 10H (15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation). The proposed rules split rehabilitation and long-term captivity requirements, incorporate necessary definitions and provisions to be used throughout the subchapter, detail enforcement actions, and specify form contents. The new Section applies to all captivity licenses issued by the Commission and to those non-farmed cervid facilities issued a license prior to September 30, 2015.

15A NCAC 10H .1401 Definitions and General Requirements for Captivity Licenses

Establishes definitions used throughout 10H .1400. Details standard conditions of captivity licenses, including applicant requirements, duration of license, transportation, and reportable disease requirements. Changes from 10H .0300 Rules include:

- Specific definitions for terms used throughout the captivity and rehabilitation rules;
- Named rabies species (raccoon, skunk, fox, bat, bobcat, coyote, groundhog, and beaver);
- Disclosure requirements for reportable diseases; and
- License eligibility requirements including 18 years of age and no convictions of animal cruelty.

15A NCAC 10H .1401 Definitions and General Requirements for Captivity Licenses (page 4-6)

15A NCAC 10H .1402 Minimum Standards

Details and separates the required minimum care and caging standards for wildlife held for rehabilitation and long term holding. Changes from 10H .0300 Rules include:

- Life-stage specific rehabilitation standards based on the “Minimum Standards for Wildlife Rehabilitation” from the National Wildlife Rehabilitations Association;
- Long-term captivity standard separated by species and based on Zoological Association of America standards; and
- Removed arbitrary language.

15A NCAC 10H .1402 Minimum Standards (pages 7-14)

15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation

Details the conditions and requirements for rehabilitating wildlife. Lists species that cannot be rehabilitated. Specifies reasons why a captivity license for rehabilitation can be denied. Details conditions under which an animal held for rehabilitation can be transferred or released. Changes from 10H .0300 Rules include the following:

- All rehabilitators will be required to pass a general rehabilitation exam, and provide proof of successful completion once every five years;
- White-tailed deer fawn and elk calf rehabilitators will be required to pass a species-specific examination;
- All white-tailed deer fawn and elk calves must be permanently tagged within 24 hours of intake;
- White-tailed deer fawn and elk calves being rehabilitated shall be kept at least 30-feet away from any farmed or non-farmed cervids and separate equipment shall be used;
- License holders shall adhere to withdrawal times for drugs, as recommended by the prescribing NC licensed veterinarian;
- Wildlife may only remain in rehabilitation for 180 days unless approved by the Commission;
- Details for disposition of non-releasable wildlife;
- Pre-license facility inspections are not required for rehabilitators, except for facilities for white-tailed deer fawn and elk calves, and black bear cubs;
- Rehabilitation of wild turkey and black bear cubs is permitted; and
- Rehabilitation facilities for black bear cubs shall be approved on an as-needed basis by the Commission

15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation (pages 15-17)

15A NCAC 10H .1404 Captivity License for Holding Wildlife

Details the conditions and requirements for long term holding of wildlife for scientific, education, or exhibition purposes. Specifies reasons why a captivity license for holding can be denied. Changes from 10H .0300 Rules include the following:

- Animals may be held for exhibition purposes;
- Ability to require tagging of all species held in long-term captivity;
- Restrictions on comingling of wildlife with domestic, livestock, or other captive species;
- Restricts reproduction of all wildlife in captivity unless part of a breeding program;
- Details rules specific to holding cervids of wild origin at facilities licensed prior to September 30, 2015;
- Requires rehabilitated wildlife deemed non-releasable be transferred to a different license holder for long-term holding;
- Allows the long-term holding of black bears and wild turkeys; and

- Makes requirements for black bears and cougars consistent with the statutes.

15A NCAC 10H .1404 Captivity License for Holding Wildlife (pages 18-21)

15A NCAC 10H .1405 Captivity License Revocation and Enforcement

Establishes when the Commission can inspect captivity license holders and the criteria under which the Commission may issue warnings, modify, revoke or suspend licenses. Provides a list of potential activities or actions that would be deemed violations of the captivity licenses, including acts of animal cruelty.

15A NCAC 10H .1405 Captivity License Revocation and Enforcement (pages 22-23)

15A NCAC 10H .1406 Forms for Captivity Licenses

Details the required information an applicant must provide the Commission to obtain a Captivity License for Holding, Captivity License for Rehabilitation and transportation permit for non-farmed cervids.

15A NCAC 10H .1406 Forms for Captivity Licenses (pages 24-25)

1 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

2 (a) Notwithstanding any other captivity rules, the rules in Section .1400 apply to all captivity licenses issued by the
3 Wildlife Resources Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-
4 549.97.

5 (b) The possession of any species of native wild animal or wild bird, that occurs or historically occurred in this State
6 or any member of the family Cervidae is unlawful, unless the individual in possession obtains a captivity license from
7 the Commission as provided by this Rule. This Rule shall not apply to any endangered, threatened, or special concern
8 species as defined in 15A NCAC 10I .0100.

9 (c) The following definitions shall apply to 15A NCAC 10H .1400 rules:

10 (1) “Category” means a designation on a captivity license for wildlife rehabilitation that defines a
11 species or subset of species.

12 (2) “Educational facility” means a permanent location or establishment accredited by the Association
13 of Zoos and Aquariums (AZA) whose primary purpose shall be educating the public about wildlife.

14 (3) “Educational institution” means any public or private institution of vocational, professional, or
15 higher education in which black bears are kept or exhibited as part of a course of training or research
16 in the natural sciences.

17 (4) “Educational use” means used for the purposes of providing instruction or education to the public
18 about wildlife.

19 (5) “Elevated platform” or “perching area” means a surface or structure, either natural or manmade,
20 positioned above the floor of the enclosure that is accessible to the animal(s).

21 (6) “Enclosure” means a structure housing captive wildlife that prevents escape, protects the caged
22 animal from injury, and is equipped with structural barriers to prevent any physical contact with the
23 caged animal by the public.

24 (7) “Exhibition” means the public display of wildlife for-profit or not-for-profit.

25 (8) “Farmed cervid” as defined in G.S. 106-549.97.

26 (9) “Gnawing and chewing items” means natural or artificial materials that provide for the health of
27 teeth. Gnawing items may include logs and trees. Chewing items may include woody stems,
28 knuckle bones, and rawhide objects.

29 (10) “Habituation” means causing an animal to lose fear of humans or the ability to survive in the wild
30 unassisted as a result of handling, imprinting, or taming.

31 (11) “Migratory birds” means all birds as defined in G.S. 113-129.

32 (12) “Native” means a species that occurs in the wild or historically occurred in the wild in North
33 Carolina.

34 (13) “Nest box” or “den” means a structure that provides a retreat area that is within, attached to,
35 or adjacent to an enclosure.

36 (14) “Non-farmed cervid” as defined in G.S. 106-549.97.

37 (15) “Non-native” means a species that has not historically occurred in North Carolina.

38 (16) “Original floor area” means the total square footage required for the initial number of animals
39 specified.

- 1 (17) "Pet" means any animal kept or used for amusement or companionship.
- 2 (18) "Publicly operated zoo" means a park or institution in which living animals are kept and exhibited
3 to the public, and that is operated by a federal, State, or local government agency.
- 4 (19) "Rabies species" are species that include raccoon, skunk, fox, bat, bobcat, coyote; or groundhog and
5 beaver, which are considered high risk for rabies transmission because of their econiche.
- 6 (20) "Research institution" means any school, facility, or organization, that uses or intends to use live
7 animals in research, tests, or experiments in the advancement of medical, veterinary, dental, or
8 biological sciences, and is at least 50% funded by grants, awards, loans, or contracts from a
9 department, agency, or instrumentality of federal, State, or local government. This does not include
10 elementary or secondary schools.
- 11 (21) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,
12 manufactured home, or any other place where people reside.
- 13 (22) "Shelter" means a structure or feature that protects captive wildlife from direct sunlight and
14 precipitation.
- 15 (23) "Sanctuary" means a facility with ecological, faunal, floral, geomorphological, natural, or
16 zoological significance appropriate for the species, where abused, neglected, unwanted, impounded,
17 abandoned, orphaned, or displaced wild animals and/or wild birds are provided care for the lifetime
18 of the animal. This shall not include any refuge that conducts commercial or for-profit activities
19 with wild or dangerous animals, uses the animals for entertainment purposes, or breeds animals.
- 20 (24) "Scientific use" and "scientific purpose" means the use of wildlife for application of the scientific
21 method to investigate any relationships amongst natural phenomena or to solve a biological or
22 medical problem.
- 23 (25) "Unfit" means wild animals or wild birds that are:
- 24 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
25 themselves without human assistance;
- 26 (B) rendered habituated by proximity to humans; or
- 27 (C) a non-native species.
- 28 (26) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals. This does
29 not include feral swine or marine mammals found in coastal fishing waters.
- 30 (27) "Wild bird" means the term as defined in G.S. 113-129.
- 31 (28) "Wildlife" means the term as defined in G.S. 113-129.
- 32 (29) "Wildlife educator" means a person who provides instruction or education to the public about
33 wildlife.
- 34 (30) "Wildlife exhibition" means a public display of wildlife either for-profit or not-for-profit.
- 35 (d) Individuals interested in obtaining a captivity license for wildlife rehabilitation or a captivity license for holding
36 wildlife shall apply for the license by completing and submitting the appropriate forms as detailed in Rule .1406 of
37 this Section.
- 38 (e) Applicants for either license shall meet the following requirements:
- 39 (1) Be 18 years of age or older at the time of application; and

1 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes,
2 except a conviction under G.S.14-363.1.

3 (f) No captivity license shall be transferable either by license holder or by site of a holding facility.

4 (g) Captivity licenses shall terminate no later than December 31 of the year the license is issued.

5 (h) No captivity license shall be valid for migratory birds, unless the license holder has a valid concurrent federal
6 permit. Individuals seeking to rehabilitate or hold migratory birds shall provide proof of a valid U.S. Fish and Wildlife
7 Service permit for rehabilitating or holding migratory birds for each category of migratory birds to be rehabilitated or
8 held.

9 (i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held
10 under a captivity license within the State. Any person transporting an animal that is held under a captivity license
11 shall have the captivity license in their possession. An exportation or importation permit as defined in G.S. 113-
12 274(c)(3) is required to transport wildlife into or out of the State.

13 (j) Individuals holding a captivity license shall disclose reportable diseases to the North Carolina Department of
14 Agriculture and Consumer Services veterinarian within 24 hours of diagnosis. A list of current reportable diseases
15 may be found on the North Carolina Department of Agriculture and Consumer Services website www.ncagr.gov.

16
17 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
18 *Eff. January 1, 2019.*
19

1 **15A NCAC 10H .1402 MINIMUM STANDARDS**

2 (a) Individuals holding a captivity license for wildlife rehabilitation shall conduct their rehabilitation activities at the
3 facility designated on their license that meets the minimum standards set forth in the “Miller, E.A., edition. 20120.
4 Minimum Standards for Wildlife Rehabilitation, 4th edition. National Wildlife Rehabilitators Association, St. Cloud,
5 MN. 116 pages. ISBN 978-1-931439-28-2”. This publication is available online at
6 <https://theiwrc.org/resources/guidelines-for-wildlife-rehabilitation> for a cost of \$15.00.

7 (b) Individuals holding a captivity license for holding shall comply with the following requirements:

8 (1) General Sanitation and Food Requirements. Each license holder shall comply with the following
9 general requirements in addition to any requirements specified by species.

10 (A) water: clean drinking water shall be provided daily. All pools, tanks, water areas, and
11 water containers provided for swimming, wading, or drinking shall be clean. Enclosures
12 shall provide drainage for surface water and runoff.

13 (B) sanitation: water disposal and waste disposal shall be in accordance with all applicable
14 local, State, and federal laws.

15 (C) food: food shall be of a type and quantity that is appropriate for the particular species, and
16 shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be
17 used for feeding.

18 (D) waste: fecal and food waste shall be removed daily from inside, under, and around
19 enclosures and stored or disposed of in a manner that prevents noxious odors or pests.

20 (E) cleaning: hard floors within enclosures shall be cleaned a minimum of once weekly. Walls
21 of enclosures shall be spot cleaned daily. The surfaces within enclosures, including
22 perches, shelves, and any fixtures shall be cleaned weekly.

23 (2) General Enclosure Requirements. Each license holder shall comply with the following general
24 requirements in addition to any requirements specified by species.

25 (A) enclosures housing captive wildlife shall prevent escape, protect the caged animal from
26 injury, and be equipped with structural barriers to prevent any physical contact with the
27 caged animal by the public. Structural barriers may be constructed from materials such as
28 fencing, moats, landscaping, close-mesh wire, or other materials, provided that materials
29 used are safe and effective in preventing escape and public contact;

30 (B) all enclosures constructed of chain link or other approved materials shall be well braced
31 and securely anchored. Enclosures shall be constructed using metal clamps, ties or braces
32 of equivalent strength as material required for enclosure construction for that particular
33 species;

34 (C) enclosures shall be ventilated to prevent noxious odors;

35 (D) enclosures with a natural substrate shall provide a dig barrier that prevents escape;

36 (E) any surface of an enclosure shall be free of rust that either prevents required cleaning or
37 affects the structural strength of the enclosure;

1 (F) the young of any animal may be kept with the parent in a single-animal enclosure until
2 weaning. After weaning, if the animals are kept together, the requirements for multiple-
3 animal enclosures in this Rule apply; and

4 (G) chains or tethers shall not be used as a method of confinement.

5 (3) Non-farmed Cervids

6 (A) the minimum size of the enclosure shall not be less than one-half acre for the first three
7 animals and an additional one-fourth acre for each additional animal held, provided that no
8 more than 25 percent of the enclosure shall be covered with water;

9 (B) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength
10 and design to contain cervids and prevent contact with wild cervids;

11 (C) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
12 all the animals in the enclosure at the same time; and

13 (D) cervids shall not be contained within or allowed to enter a place of residence or any
14 enclosure that has not been inspected and approved to hold cervids by a representative of
15 the Commission, except as specifically authorized by law or rule of the Wildlife Resources
16 Commission.

17 (4) Wild Turkey

18 (A) for up to 5 birds, an enclosure 12 feet 12 feet, 6 feet high, with a perching area elevated 4
19 feet above the floor. For each additional bird, the license holder shall increase the original
20 floor area by 10 percent; and

21 (B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
22 all the animals in the enclosure at the same time.

23 (5) Alligators

24 (A) the minimum size of the enclosure shall be based upon the length of the longest animal.
25 Land area with both horizontal dimensions at least as long as the longest animal shall be
26 provided. In case of more than one animal, the combined area covered by all their bodies
27 while aligned parallel without overlap shall not exceed 50 percent of the land area;

28 (B) enclosure shall be made of material with a smooth surface;

29 (C) the enclosure shall have a structural barrier with a minimum height of 5 feet, of sufficient
30 strength to contain the animals, and shall prevent contact between the observer and
31 alligator;

32 (D) in addition to the land area, the enclosure shall contain a pool of water large enough for all
33 the animals in the enclosure to completely submerge themselves at the same time;

34 (E) steps shall be taken to provide opportunities for thermal regulation;

35 (F) each enclosure shall contain devices to provide physical manipulation and mental
36 stimulation for the species;

37 (G) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
38 all animals in the enclosure at the same time; and

1 (H) the facility shall have a perimeter boundary to prevent unauthorized entry and aid in the
2 confinement of animals. This boundary should be located at least 3 feet from the primary
3 enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge
4 chain link or equivalent.

5 (6) Black Bear

6 (A) publicly operated zoo or educational institution:

7 (i) for 1 animal, an enclosure 20 feet by 20 feet, 8 feet high, covered to prevent
8 escape, or 12 feet high with a 45 degree inward angle overhang 3 feet wide. For
9 each additional animal, the license holder shall increase the enclosure size by 25
10 percent of the original floor space;

11 (ii) each enclosure shall be equipped with a shelter or shelters large enough to
12 accommodate all the animals in the enclosure at the same time;

13 (iii) each enclosure shall have devices to provide physical manipulation and mental
14 stimulation for the species;

15 (iv) each enclosure shall have an elevated platform or platforms large enough to
16 accommodate all of the animals in the enclosure at the same time; and

17 (v) each enclosure shall have a pool of water 4 feet by 6 feet, at least 3 feet deep.

18 (B) other facilities. Black bears held in captivity by facilities other than publicly funded zoos
19 or research institutions shall be held in enclosures simulating a natural habitat. All of the
20 following conditions shall exist:

21 (i) the enclosure is at least one acre for one or two bears and an additional one-eighth
22 acre for each additional bear;

23 (ii) bears are free to move throughout the enclosure;

24 (iii) at least one-half of the enclosure shall be wooded with living trees, shrubs, and
25 other perennial vegetation capable of providing shelter from sun and wind. A 20
26 foot wide strip along the inside of the fence shall be maintained free of trees,
27 shrubs, and any other obstructions that could provide a means of escape;

28 (iv) the enclosure shall have a pool of water 4 feet by 6 feet, at least 3 feet deep;

29 (v) the enclosure shall contain at least one den large enough to accommodate all the
30 bears at the same time, that provides shelter from the elements and respite from
31 public observation;

32 (vi) the enclosure shall present an overall appearance of a natural habitat;

33 (vii) the enclosure shall be by:

34 (I) 9 gauge chain link fence at least 12 feet high with a 45 degree inward
35 angle overhang 3 feet wide; or

36 (II) wall, moat, or a combination of such, as approved by the Commission.

37 (viii) the facility shall have a perimeter boundary to prevent unauthorized entry and aid
38 in the confinement of animals. This boundary should be located at least 3 feet

1 from the primary enclosure, be no less than 8 feet in height, and be constructed of
2 not less than 11.5 gauge chain link or equivalent; and

3 (ix) the applicant shall provide documentation that the applicant owns or has a lease
4 of the real property upon which the holding facility is located. If the applicant is
5 a lessee, the lease shall be for a duration of at least five years from the point of
6 stocking the facility.

7 (7) Cougar

8 (A) publicly operated zoo or research institution:

9 (i) for 1 or 2 animals, an enclosure 20 feet by 20 feet, 8 feet high. For each additional
10 animal, the license holder shall increase the enclosure size by 25 percent of the
11 original floor area;

12 (ii) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures
13 over 1,000 square feet shall have vertical jump walls at least 12 feet high with a
14 45 degree inward angle overhang 3 feet wide. Other methods to prevent escape
15 may be approved by the Commission on a case by case basis.

16 (iii) each enclosure shall be equipped with a shelter or shelters large enough to
17 accommodate all the animals in the enclosure at the same time;

18 (iv) each enclosure shall have devices to provide physical manipulation and mental
19 stimulation for the species;

20 (v) each enclosure shall have an elevated platform or platforms large enough to
21 accommodate all of the animals in the enclosure at the same time; and

22 (vi) each enclosure shall have a claw log, unless the animal's front claws have been
23 removed.

24 (B) other facilities. Cougars held in captivity by facilities other than publicly funded zoos or
25 research institutions shall be held in enclosures simulating a natural habitat. All of the
26 following conditions shall exist:

27 (i) the enclosure shall be chain link fence or equivalent, provided that 9 gauge chain
28 link fencing shall be at least 12 feet high with a 45 degree inward angle overhang
29 3 feet wide to prevent escape from climbing and jumping;

30 (ii) the enclosure shall be at least one acre for two cougars with an additional one-
31 eighth acre for each additional cougar;

32 (iii) cougars shall be free to move throughout the enclosure;

33 (iv) at least one-half of the enclosure shall be wooded with living trees, shrubs, and
34 other perennial vegetation capable of providing shelter from sun and wind. A 20
35 foot wide strip along the inside of the fence shall be maintained free of trees,
36 shrubs, and any other obstructions that could provide a base from where escape
37 through leaping could occur;

38 (v) the area of confinement shall contain a pool not less than 4 feet by 5 feet, at least
39 1.5 feet deep; and

1 (vi) the enclosure shall contain a den or shelter large enough to accommodate all the
2 animals in the enclosure at the same time.

3 (C) the facility shall have a perimeter boundary to prevent unauthorized entry and aid in the
4 confinement of animals. This boundary should be located at least 3 feet from the primary
5 enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge
6 chain link or equivalent; and

7 (D) the applicant shall provide documentation that the applicant owns or has a lease of the real
8 property upon which the facility is located. If the applicant is a lessee, the lease shall be for
9 a duration of at least five years from the point of stocking the facility.

10 (8) Bobcat

11 (A) for 1 or 2 animals, an enclosure 15 feet by 8 feet, 6 feet high. For each additional
12 animal, the license holder shall increase the enclosure size by 25 percent of the original
13 floor area;

14 (B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over
15 1,000 square feet shall have vertical jump walls at least 12 feet high with a 45 degree inward
16 angle overhang 3 feet wide. Other methods to prevent escape may be approved by the
17 Commission on a case by case basis;

18 (B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
19 all the animals in the enclosure at the same time;

20 (C) each enclosure shall have devices to provide physical manipulation and mental stimulation
21 for the species;

22 (D) each enclosure shall have at least one elevated platform large enough to accommodate all
23 of the animals in the enclosure at the same time; and

24 (E) each enclosure shall have a claw log, unless the front claws of the animals have been
25 removed.

26 (9) Coyote

27 (A) for 1 or 2 animals, an enclosure 20 feet by 8 feet, 6 feet high. For each additional animal,
28 the license holder shall increase the enclosure size by 25 percent of original floor area;

29 (B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over
30 1,000 square feet shall have vertical jump walls at least 8 feet high with a 45 degree, inward
31 angle overhang 2 feet wide with a hot wire, or 3 feet wide without a hot wire, or jump walls
32 10 feet high without an overhang. Other methods to prevent escape may be approved by
33 the Commission on a case by case basis;

34 (C) each enclosure shall have devices to provide physical manipulation and mental stimulation
35 for the species;

36 (D) each enclosure shall be equipped with at least one shelter or den large enough to
37 accommodate all of the animals in the enclosure at the same time; and

38 (E) each enclosure shall have at least one elevated platform large enough to accommodate all
39 of the animals in the enclosure at the same time.

1 (10) Fox (Red and Gray)

- 2 (A) for 1 or 2 animals, an enclosure 10 feet by 8 feet, 6 feet high. For each additional animal,
3 the license holder shall increase the enclosure size by 25 percent of the original floor area;
4 (B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over
5 1,000 square feet shall have vertical jump walls at least 8 feet high with a 45 degree, inward
6 angle overhang 2 feet wide with a hot wire, or 3 feet wide without a hot wire, or jump walls
7 10 feet high without an overhang. Other methods to prevent escape may be approved by
8 the Commission on a case by case basis;
9 (C) each enclosure shall be equipped with at least one shelter or den large enough to
10 accommodate all of the animals in the enclosure at the same time;
11 (D) each enclosure shall have devices to provide physical manipulation and mental stimulation
12 for the species;
13 (E) each enclosure shall have an elevated platform or platforms that are large enough to
14 accommodate all of the animals in the enclosure at the same time; and
15 (F) red and gray foxes shall not be in the same enclosure.

16 (11) Raccoon

- 17 (A) for 1 or 2 animals, an enclosure 8 feet by 8 feet, 8 feet high, covered to prevent escape. For
18 each additional animal, the license holder shall increase the enclosure size by 25 percent
19 of the original floor space;
20 (B) each enclosure shall have devices to provide physical manipulation and mental stimulation
21 for the species;
22 (C) each enclosure shall be equipped with at least one shelter or nest box large enough to
23 accommodate all of the animals in the enclosure at the same time; and
24 (D) each enclosure shall have at least one perching area large enough to accommodate all of
25 the animals in the enclosure at the same time.

26 (12) Otter

- 27 (A) for 1 or 2 animals, an enclosure 10 feet by 10 feet, 6 feet high. For each additional animal,
28 the license holder shall increase the enclosure size by 25 percent of the original floor space;
29 (B) each enclosure shall have devices to provide physical manipulation and mental stimulation
30 for the species;
31 (C) each enclosure shall have at least one shelter or den large enough to accommodate all of
32 the animals in the enclosure at the same time; and
33 (D) each enclosure shall have a pool of water 8 feet by 4 feet, at least 2.5 feet deep. For each
34 additional animal, the license holder shall increase the pool size by 25 percent of the
35 original pool surface area. Dry resting areas shall be provided.

36 (13) Squirrels (Gray, Fox, Red, and Flying)

- 37 (A) for up to 4 animals, an enclosure 5 feet by 5 feet, 8 feet high, covered to prevent escape.
38 For each additional animal, the license holder shall increase the enclosure size by 25
39 percent of the original floor area;

1 (B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
2 all of the animals in the enclosure at the same time; and

3 (C) each enclosure shall have a climbing apparatus and gnawing items.

4 (14) Groundhog

5 (A) for 1 or 2 animals, an enclosure 5 feet by 5 feet, 4 feet high. For each additional animal,
6 the license holder shall increase the enclosure size by 25 percent of the original floor area;

7 (B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
8 all of the animals in the enclosure at the same time;

9 (C) enclosure floors shall have an area that provides for digging; and

10 (D) each enclosure shall have gnawing items.

11 (15) Rabbits

12 (A) for 1 or 2 animals, an enclosure 6 feet by 4 feet, 5 feet high. For each additional animal,
13 the license holder shall increase the enclosure size by 25 percent of the original floor area;

14 (B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
15 all of the animals in the enclosure at the same time; and

16 (C) each enclosure shall have gnawing items.

17 (16) Opossum

18 (A) for 1 to 4 animals, an enclosure 4 feet by 5 feet, 6 feet high, covered to prevent escape. For
19 each additional animal, the license holder shall increase the enclosure size by 25 percent
20 of the original floor area;

21 (B) each enclosure shall be equipped with at least one shelter or nest box large enough to
22 accommodate all animals in the enclosure at the same time;

23 (C) each enclosure shall have at least one perching area large enough to accommodate all of
24 the animals in the enclosure at the same time;

25 (D) each enclosure shall have devices to provide physical manipulation and mental stimulation
26 for the species;

27 (E) each enclosure shall provide an area for digging; and

28 (F) each enclosure shall have a climbing apparatus.

29 (17) Skunk

30 (A) for up to 4 animals, an enclosure 5 feet by 6 feet, 6 feet high, covered to prevent escape.
31 For each additional animal, the license holder shall increase the enclosure size by 25
32 percent of the original floor area;

33 (B) each enclosure shall have devices to provide physical manipulation and mental stimulation
34 for the species;

35 (C) each enclosure shall have at least one shelter or den large enough to accommodate all of
36 the animals in the enclosure at the same time; and

37 (D) each enclosure shall be equipped with chewing items.

38 (18) Armadillo

1 (A) for 1 or 2 animals, an enclosure, 4 feet by 4 feet, 4 feet high, non-climbable barrier. For
2 each additional animal, the license holder shall increase the enclosure length by 25 percent
3 of the original floor length;

4 (B) each enclosure shall be equipped with at least one shelter or den large enough to
5 accommodate all of the animals in the enclosure at the same time; and

6 (C) enclosure floors shall include an area that provides for digging.

7 (19) Other Wild Animals. In addition to the general requirements provided in this Rule, license holders
8 with animals not specifically listed above must comply with the following:

9 (A) single animal enclosures shall be a cage with one horizontal dimension being at least four
10 times the nose-rump length of the animal and the other horizontal dimension being at least
11 twice the nose-rump length of the animal. The vertical dimensions shall be at least twice
12 the nose-rump length of the animal. Under no circumstances shall a cage be less than 4 feet
13 by 2 feet, 2 feet high;

14 (B) the minimum area of horizontal space for multiple animal enclosures shall be determined
15 by multiplying the required square footage for a single animal by 1.5 for one additional
16 animal and that result by the same factor for each additional animal, successively. The
17 vertical dimension for multiple animal enclosures shall remain the same as for single
18 animal enclosures;

19 (C) depending on the species, the Commission may require the enclosure to be covered;

20 (D) each enclosure shall have devices to provide physical manipulation and mental stimulation
21 for the species; and

22 (E) each enclosure shall be equipped with a shelter or shelters large enough to accommodate
23 all of the animals in the enclosure at the same time.

24
25 *History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;*
26 *Eff. January 1, 2019.*

1 **15A NCAC 10H .1403 CAPTIVITY LICENSE FOR WILDLIFE REHABILITATION**

2 (a) A captivity license for wildlife rehabilitation as described in this Section shall be required for lawful possession
3 of injured, crippled, orphaned, or otherwise unfit wildlife for the purpose of providing short term care and eventual
4 release into the animal's natural habitat. A captivity license for wildlife rehabilitation shall not be issue for:

- 5 (1) Endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100.
6 Rehabilitation of these species requires an endangered species permit from the Commission;
7 (2) Rabies species;
8 (3) Feral swine;
9 (4) Nutria;
10 (5) Adult black bear; and
11 (6) Adult White-tailed deer or elk.

12 (b) Individuals who do not possess a captivity license for wildlife rehabilitation may take temporary possession of
13 injured, crippled, or orphaned wildlife, provided they surrender such wildlife into the care of a North Carolina licensed
14 veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such wildlife.

15 (c) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wildlife are not required
16 to have a license for wildlife rehabilitation from the Commission. North Carolina licensed veterinarians without a
17 captivity license for wildlife rehabilitation may hold wildlife until the animal is medically stable. Once stable, wildlife
18 shall be transferred to an individual possessing a captivity license for wildlife rehabilitation with the appropriate
19 category for the given species. Licensed veterinarians rehabilitating wildlife for release back to their natural habitat
20 shall have a captivity license for wildlife rehabilitation.

21 (d) Individuals interested in obtaining a captivity license for wildlife rehabilitation shall meet all statutory and
22 regulatory requirements including those in G.S. 113-272.5, Rules .1401 and .1402 of this Section, and complete the
23 North Carolina general wildlife rehabilitation examination provided by the Commission at no charge on the
24 Commission website (www.ncwildlife.org), by obtaining a score of at least 80 percent once every five years.

25 (e) A captivity license for wildlife rehabilitation shall not be issued for the purpose of holding wildlife:

- 26 (1) As pets;
27 (2) For educational use and exhibition purposes, except as provided in Rule .1404 of this Section;
28 (3) For training;
29 (4) For hunting; or
30 (5) Acquired unlawfully.

31 (f) The following conditions shall apply to captivity licenses for wildlife rehabilitation:

- 32 (1) The license shall not authorize the possession, rehabilitation, or release into the wild of non-native
33 wildlife;
34 (2) Categories of wildlife that the individual is licensed to possess, rehabilitate, and release shall be
35 stated on the license;

36 (g) Transfer of Wildlife

- 37 (1) Wildlife originating outside the State shall not be accepted for the purpose of rehabilitation.

1 (2) Wildlife received for rehabilitation may not be exported outside the State for the purpose of
2 rehabilitation, or release after rehabilitation unless authorization is obtained from the Commission
3 and the state where the wild animal will be exported or released.

4 (3) It is unlawful for a license holder to sell any wild animal or wild bird being held under a license for
5 rehabilitation.

6 (4) It is lawful for a license holder to transfer a wild animal or wild bird to another individual who
7 possesses a valid captivity license for rehabilitation with the appropriate category for the given
8 species.

9 (h) Treatment and Handling

10 (1) Wildlife that have been diagnosed with a zoonotic disease must be treated based upon advice from
11 a North Carolina licensed veterinarian prior to release.

12 (2) Any license holder administering drugs to wildlife shall adhere to the withdrawal times
13 recommended by the prescribing North Carolina licensed veterinarian prior to the release of the
14 animal into the wild.

15 (i) Release

16 (1) All rehabilitated wildlife shall be released as soon as the animal has reached physical maturity and
17 can be expected to survive in the wild, and/or has attained full recovery from illness or injury, as
18 determined by the rehabilitator or a North Carolina licensed veterinarian.

19 (2) Wildlife may remain in a rehabilitation facility for a maximum of 180 days. If a longer rehabilitation
20 period is recommended by a North Carolina licensed veterinarian, the license holder shall notify the
21 Commission in writing. The Commission will consider extended rehabilitation on a case-by-case
22 basis by evaluation, which may include the nature of the animal's condition and recommended
23 treatment plan.

24 (3) The following conditions render a wild animal or wild bird non-releasable and the animals shall be
25 humanely euthanized, unless authorization is requested from the Commission in writing and granted
26 by the Commission in writing, to transfer the wild animal or wild bird to an individual or facility
27 with a captivity license for holding wildlife as set forth in 15A NCAC 10H .1404.

28 (A) any wildlife with deformities or injuries that preclude survival in the wild after treatment;

29 or

30 (B) any wildlife that has become habituated.

31 The Commission shall consider transfer on a case-by-case basis.

32 (j) Required facilities

33 (1) Individuals holding a captivity license for wildlife rehabilitation shall conduct their rehabilitation
34 activities in accordance with 15A NCAC 10H .1402.

35 (2) All wildlife undergoing rehabilitation shall be kept separated from domestic animals, in separate
36 holding facilities, including other rooms or buildings. In-home wildlife rehabilitation facilities shall
37 designate separate rooms used only for wildlife housing, treatment, and rehabilitation.

38 (3) Handling of wildlife shall be for treatment only.

39 (k) White-tailed Deer Fawns and Elk Calves

- 1 (1) Only individuals holding a captivity license for wildlife rehabilitation with the white-tailed deer
2 fawn or elk calf category are allowed to possess, rehabilitate, and release white-tailed deer fawns or
3 elk calves. To become licensed to rehabilitate white-tailed deer fawns or elk calves, an individual
4 shall:
5 (A) meet all the requirements of the captivity license for wildlife rehabilitation; and
6 (B) complete the North Carolina deer fawn and elk calf rehabilitation examination provided by
7 the Commission, by obtaining a score of at least 80 percent.
8 (2) No white-tailed deer fawn or elk calf shall be possessed until the applicant has constructed or
9 acquired an enclosure for keeping fawn that complies with the standards set forth in 15A NCAC
10 10H .1402, and the facility has been inspected by a representative of the Commission.
11 (3) Any white-tailed deer fawn or elk calf held for more than 24 hours shall be permanently tagged
12 using only tags provided by the Commission.
13 (4) White-tailed deer fawns and elk calves shall be held for rehabilitation for a maximum of 180 days
14 or until December 31, whichever occurs first.
15 (5) Any individual or facility rehabilitating deer fawns or elk calves and holding farmed or non-farmed
16 cervids, shall:
17 (A) keep the rehabilitated fawns and/or calves at least 30 feet away from any farmed or non-
18 farmed facility; and
19 (B) utilize dedicated equipment that is different from any equipment used for farmed or non-
20 farmed cervids.

21 (l) Black Bear Cubs

- 22 (1) Only individuals holding a captivity license for wildlife rehabilitation with the black bear category
23 are allowed to possess and rehabilitate black bear cubs.
24 (2) Individuals wanting to obtain a captivity license for black bear rehabilitation shall meet the
25 definition of publicly operated zoo, educational institution, or have facilities that simulate natural
26 habitat as described in Rule .1402 of this Section. Additionally, individuals shall meet all the
27 requirements of the captivity license for wildlife rehabilitation and shall be approved on an as-
28 needed basis to meet conservation objectives.
29 (3) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for
30 keeping black bear that complies with the standards set forth in 15A NCAC 10H .1402(6), and the
31 facility has been inspected by a representative of the Commission.

32
33 *History Note:* Authority G.S. 106-549.97(b); 113-134; 113-272.5;
34 Eff. January 1, 2019.
35

1 **15A NCAC 10 H .1404 CAPTIVITY LICENSE FOR HOLDING WILDLIFE**

2 (a) The purpose of a captivity license for holding wildlife is to authorize the possession of lawfully taken or acquired
3 wild animals or wild birds for scientific use, educational use, or exhibition purposes. License holders with animals
4 used for education or exhibition shall maintain records of all education and exhibition activities for a period of 12
5 months following expiration of the license. This Rule shall not apply to any endangered, threatened, or special concern
6 species as defined in 15A NCAC 10I .0100. Possession of these species requires an endangered species permit from
7 the Commission.

8 (b) A captivity license for holding wildlife allows the license holder to hold wild animals or wild birds provided:

- 9 (1) The wild animal or wild bird was not acquired unlawfully;
10 (2) The wild animal or wild bird will not be held as a pet;
11 (3) The wild animal or wild bird will not be hunted in captivity;
12 (4) The license holder possesses a valid, concurrent federal permit from the US Fish and Wildlife
13 Service for migratory birds, if applicable; and
14 (5) The individual seeking to hold wild animals or wild birds for educational purposes or exhibition
15 shall provide proof of a valid, concurrent, and applicable U.S. Department of Agriculture permit or
16 license, if required by the U.S. Department of Agriculture.

17 (c) The following conditions shall apply to captivity licenses for holding wild animals or wild birds:

- 18 (1) Wild animals and wild birds shall not comingle with domestic animals, non-native animals,
19 livestock, or wildlife held under a captivity license for rehabilitation;
20 (2) Rabies species shall be kept secured at all times so they do not have physical contact with the public,
21 domestic animals, non-native animals, livestock, or other wildlife species held under a captivity
22 license;
23 (3) Wild animals shall be kept secured at all times so that the handler is in control of the animal and it
24 presents no danger to the public.
25 (4) Wild animals or wild birds shall be tagged or marked in a manner determined by the Commission,
26 based on the animal's size, location and reason for captivity; and
27 (5) Reproduction of wild animals and wild birds is unlawful, unless the animals are part of an
28 Association of Zoos and Aquariums breeding program.

29 (d) No captivity license for holding wildlife shall be issued and no wildlife shall be possessed until the applicant has
30 constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies with the
31 standards set forth in 15A NCAC 10H .1402, and the facility has been verified by a representative of the Commission.

32 (e) It is unlawful for an individual with a captivity license for holding wildlife to allow it to range free outside of its
33 enclosure.

34 (f) It is unlawful for any individual holding a captivity license for holding wildlife to sell, transfer, or release the wild
35 animal or wild bird held under such license, except that such wild animal or wild bird may be surrendered to an agent
36 of the Commission, or transferred to another individual who has obtained a license to hold it in captivity. Upon
37 transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors name, address,
38 tag number if available, license number, date of transfer, and transferor's signature, verifying that the information is
39 true and accurate. A copy of the record shall be retained by the transferee for the life of the wild animal or wild bird.

1 (g) Non-releasable wildlife lawfully held under a captivity license for rehabilitation pursuant to Rule.1403 of this
2 Section, except for white-tailed deer fawn, may be transferred to a captivity license for holding wildlife under the
3 following conditions:

4 (1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or
5 reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall
6 include a description of the incapacitation of the animal and a detailed explanation of why the animal
7 will not experience chronic pain from its condition or injuries;

8 (2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird;
9 and

10 (3) The individual holding the captivity license for holding wildlife shall not be the same individual as
11 the one holding the captivity license for wildlife rehabilitation for that specific animal.

12 (h) Non-Farmed Cervids:

13 (1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding wildlife, except
14 for animals being held under a valid captive cervid license issued prior to September 30, 2015 that
15 are not farmed cervids, as specified by G.S. 106-549.97.

16 (2) The following conditions apply to non-farmed cervid licenses issued prior to September 30, 2015:

17 (A) no reproduction within the existing herd;

18 (B) no new non-farmed cervids may be added to the existing herd from the wild or from farmed
19 cervids held under the North Carolina Department of Agriculture and Consumer Services
20 farmed cervid program;

21 (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission
22 within one hour of discovery. The license holder shall request a permit to take the escaped
23 non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted
24 by the license holder to an approved laboratory for Chronic Wasting Disease (CWD)
25 testing, unless the Commission determines that the risk of CWD transmission as a result of
26 this escape is negligible.

27 (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the
28 facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at
29 www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.
30 All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD.

31 (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be
32 submitted by the license holder to an approved laboratory and tested for CWD within 48
33 hours of knowledge of the cervid's death, or by the end of the next business day, whichever
34 is later. The Commission-issued ear tag shall not be removed from the cervid's head prior
35 to submitting the head for CWD testing.

36 (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by
37 the Commission available for inspection by the Commission upon request, during the
38 facility's business hours, or at any time an outbreak of CWD is suspected or confirmed
39 within five miles of the facility or within the facility itself.

- 1 (G) the license holder shall make all licensed facilities, enclosures and the record-book(s)
2 documenting required monitoring of the outer fence of the enclosure(s) at each licensed
3 facility, available for inspection by the Commission upon request, during the facility's
4 business hours, or at any time an outbreak of CWD is suspected or confirmed within five
5 miles of the facility or within the facility itself.
- 6 (H) the fence surrounding the enclosure shall be inspected by the license holder once a week
7 to verify its stability and to detect the existence of any conditions or activities that threaten
8 its stability. In the event of severe weather or any other condition that presents potential for
9 damage to the fence, inspection shall occur every three hours until cessation of the
10 threatening condition, except that no inspection is required under circumstances that
11 threaten the safety of the person conducting the inspection and inspections shall resume as
12 soon as possible.
- 13 (i) a record-book shall be maintained to record the time and date of each inspection
14 of the fence, the name of the person who performed the inspection of the fence,
15 and the condition of the fence at time of inspection. The person who performs the
16 inspection shall enter the date and time of detection and the location of any
17 damage threatening the stability of the fence. If the fence is damaged, the license
18 holder shall record a description of measures taken to prevent ingress or egress by
19 non-farmed cervids. Each record-book entry shall bear the signature or initials of
20 the license holder attesting to the veracity of the entry. The record-book shall be
21 made available for inspection by a representative of the Commission upon
22 request, or during the facility's business hours.
- 23 (ii) any opening or passage through the enclosure fence shall, within one hour of
24 detection, be sealed or otherwise secured to prevent a non-farmed cervid from
25 entry or escape. Any damage to the enclosure fence that threatens its stability
26 shall be repaired within one week of detection.
- 27 (I) each non-farmed cervid held under this license must be tagged as follows:
- 28 (i) a single button ear tag provided by the Commission shall be permanently affixed
29 by the license holder onto either the right or left ear of each non-farmed cervid,
30 provided that the ear chosen to bear the button tag shall not also bear a bangle tag,
31 so that each ear of the cervid bears only one tag.
- 32 (ii) a single bangle ear tag provided by the Commission shall be permanently affixed
33 by the license holder onto the right or left ear of each non-farmed cervid, provided
34 that the ear bearing the bangle tag does not also bear the button tag, so that each
35 ear of the cervid bears only one tag.
- 36 (iii) once a tag is affixed in the manner required by this Rule, it shall not be removed.
- 37 (J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant
38 for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for
39 slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary

1 medical facility for treatment provided that the animal for which the permit is issued does
2 not exhibit clinical symptoms of CWD. Application for a transportation permit shall be
3 made to the Commission by completing and submitting the non-farmed cervid
4 transportation form as detailed in Rule .1406 of this Section. Any person transporting a
5 non-farmed cervid shall present the transportation permit to any law enforcement officer
6 or any representative of the Commission upon request, except that a person transporting a
7 non-farmed cervid by verbal authorization for veterinary treatment shall provide the name
8 of the person who issued the approval to any law enforcement officer or any representative
9 of the Commission upon request.

10 (i) Black Bear:

- 11 (1) In accordance with G.S. 19A-10 and 19A-11, no captivity license may be issued for a black bear,
12 except to:
13 (A) a publicly operated zoo; or
14 (B) an educational institution; or
15 (C) a research facility; or
16 (D) a facility holding a black bear without caging under conditions simulating natural habitat.
17 (2) No individual shall transport black bear for any purpose without first obtaining a transportation
18 permit from the Commission.

19 (j) Cougar:

- 20 (1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:
21 (A) a publicly operated zoo; or
22 (B) a research institution; or
23 (C) a facility holding a cougar without caging under conditions simulating a natural habitat.

24
25 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5, 113-272.6;*
26 *Eff. January 1, 2019.*

1 **15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT**

2 (a) Representatives from the Commission shall be permitted to enter the premises of any license holder’s facility upon
3 request or during the facility’s business hours for inspection, or scientific purposes.

4 (b) The Executive Director of the Commission, or his designee, may issue a warning or revoke a license holder’s
5 captivity license for wildlife rehabilitation or a captivity license for holding wildlife, if the license holder violates any
6 provision of Article 47 of Chapter 14 of the North Carolina General Statutes, or Subchapter IV of Chapter 113 of the
7 North Carolina General Statutes, or any Rules promulgated under Chapter 10 of Title 15A of the North Carolina
8 Administrative Code, or any conditions of the license. The determination whether to issue a warning or revoke a
9 captivity license for rehabilitation or holding shall be based upon the seriousness of the violation. Violations may
10 include:

11 (1) A conviction under Article 47 of Chapter 14, “Animal Cruelty”, of the North Carolina General
12 Statutes;

13 (2) Violating a captivity license rule or failing to comply with captivity license conditions;

14 (3) failing to provide required facilities for the housing of wildlife as specified in 15A NCAC 10H
15 .1402;

16 (4) Failing to provide accurate information on records license applications submitted to the
17 Commission;

18 (5) Possessing wildlife not permitted by the captivity license for wildlife rehabilitation, or a captivity
19 license for holding wildlife;

20 (6) Exhibiting wildlife undergoing rehabilitation or using wildlife undergoing rehabilitation for public
21 education, profit, or science involving contact with people;

22 (7) Failing to comply with monitoring or record-keeping requirements as provided by rules of this
23 Section;

24 (8) Taming, imprinting, habituating, or improperly handling wildlife;

25 (9) Failing to treat conditions that warrant medical attention;

26 (10) Releasing a captive wild animal or wild bird held under a captivity license for holding into the wild
27 or allowing it to range free outside of its enclosure; or

28 (11) The license holder of a facility holding captive cervid(s) failing to:

29 (A) comply with tagging requirements as provided by rules of this Section;

30 (B) comply with requirements for maintaining the enclosure fence as provided by rules of this
31 Section; or

32 (C) allow the Commission to inspect the facility or records as provided by rules of this Section.

33 (c) If the Commission revokes a captivity license for wildlife rehabilitation or holding, then the Commission may
34 seize and determine future treatment of the wildlife, to include relocation to another licensed facility or euthanasia.

35 (d) The Commission shall revoke a non-farmed cervid license, and the holder of that license shall forfeit the right to
36 keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request
37 of the Commission, under any of the following circumstances or conditions:

- 1 (1) The license holder of a facility fails to submit a cervid carcass to an approved laboratory
2 for testing for Chronic Wasting Disease within 48 hours of knowledge of that cervid's death
3 or close of the next business day, whichever is later, as provided by rule(s) in this Section;
4 (2) A cervid has been transported without a permit; or
5 (3) Chronic Wasting Disease has been confirmed in a cervid at that facility.
6

7 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-140; 113-272.5; 113-274;*
8 *Eff. January 1, 2019.*
9

1 **15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES**

2 (a) Individuals interested in obtaining a captivity license for wildlife rehabilitation shall apply to the Commission
3 using the Captivity License for Wildlife Rehabilitation Form available at www.ncwildlife.org. Information supplied
4 by the applicant shall include:

5 (1) Applicant's name, mailing address, residence address, telephone number, and date of birth;

6 (2) Facility site address;

7 (3) Organizational affiliation, if applicable;

8 (4) Categories of animals and birds to be rehabilitated;

9 (5) A copy of a valid Federal Migratory Bird Permit, if applicable;

10 (6) Proof of completing the general wildlife rehabilitation examination, if applicable, within the
11 previous five years; and

12 (7) Proof of completing the deer fawn and elk calf rehabilitation examination, if applicable, within the
13 previous five years.

14 (b) Individuals interested in obtaining a captivity license for holding shall apply to the Commission using the Captivity
15 License for Holding Form available at www.ncwildlife.org. Information supplied by the applicant shall include:

16 (1) Applicant's name, mailing address, residence address, telephone number, and date of birth;

17 (2) Facility site address;

18 (3) Organizational affiliation, if applicable;

19 (4) Species information including quantity and source for all animals to be held; and

20 (5) Purpose of animals held in captivity.

21 (c) Individuals requesting a transportation permit for non-farmed cervids shall apply to the Commission using the
22 Non-farmed Cervid Transportation Form available at www.ncwildlife.org. Information supplied by the applicant shall
23 include:

24 (1) Applicant's name, mailing address, residence address, and telephone number;

25 (2) Facility site address;

26 (3) Captivity license number;

27 (8) Species and sex of each non-farmed cervid transported;

28 (9) Tag number(s) for each non-farmed cervid transported;

29 (7) Date of transportation;

30 (4) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport
31 the non-farmed cervid;

32 (5) Name, address, county and phone number of the destination facility to which the non-farmed cervid
33 will be transported;

34 (9) Symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;

35 (9) Date of slaughter, if applicable;

36 (6) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head
37 of the non-farmed cervid is to be submitted for CWD testing, if applicable.

38 (d) All forms shall be signed, dated, and submitted to the Wildlife Resources Commission with applicable fees
39 mandated by G.S. 113-272.5 and 113-270.1B.

1
2
3
4

History Note: Authority G.S. 113-134; 113-272.5;
Eff. January 1, 2019.

EXHIBIT G-1
August 23, 2017



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rules**

Rule Amendments:

- 15A NCAC 10F .0303 Beaufort County
- 15A NCAC 10F .0304 Bladen County
- 15A NCAC 10F .0306 Carolina Beach
- 15A NCAC 10F .0313 Hyde County
- 15A NCAC 10F .0314 New Hanover County
- 15A NCAC 10F .0318 Warren County
- 15A NCAC 10F .0319 Washington County
- 15A NCAC 10F .0321 Pender County
- 15A NCAC 10F .0326 Pamlico County
- 15A NCAC 10F .0328 Martin County
- 15A NCAC 10F .0330 Carteret County
- 15A NCAC 10F .0331 Wake County
- 15A NCAC 10F .0334 Guilford County
- 15A NCAC 10F .0337 Franklin County
- 15A NCAC 10F .0348 Person County
- 15A NCAC 10F .0351 New Bern
- 15A NCAC 10F .0352 Camden County
- 15A NCAC 10F .0354 Pitt County
- 15A NCAC 10F .0355 Perquimans County
- 15A NCAC 10F .0356 Pasquotank County
- 15A NCAC 10F .0361 Wilkes County
- 15A NCAC 10F .0363 Caswell and Person Counties
- 15A NCAC 10F .0364 Greensboro
- 15A NCAC 10F .0365 Tyrrell County
- 15A NCAC 10F .0368 Town of Nags Head
- 15A NCAC 10F .0370 City of Rocky Mount
- 15A NCAC 10F .0374 Alcoa Generating Inc.

Contact:

Carrie Ruhlman, Policy Analyst
1701 Mail Service Center
Raleigh, N.C 27699-1701
(919) 707-0011
carrie.ruhlman@ncwildlife.org

EXHIBIT G-1
August 23, 2017

Impact: State Government: Yes
Local Government: No
Private: No
Substantial Impact: No

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

All 10F Rules were reviewed as part of the 2016 Periodic Review process. The 27 rules proposed for amendment at this time are not required to be readopted but are being updated to incorporate the following changes:

- updating language and terms for consistency;
- clarifying no-wake zone boundaries;
- making name changes;
- removing the maintenance of markers; and
- including appropriate federal approval for placement of markers.

Proposed rules can be found in Appendix A.

State Impact Analysis: The proposed amendments to these rules are anticipated to have a minimal economic impact on the state.

The only proposed amendment that will have a fiscal impact is the deletion of maintenance for markers. This amendment applies only to the following rules:

15A NCAC 10F .0303, .0304, .0306, .0313, .0318, .0319, .0326, .0328, .0331, .0334, .0348, .0351, .0352, .0354, .0356, .0361, .0363, .0364, .0365, .0368, and .0370.

The agency will assume responsibility for marker replacement. In general, replacement is only required when a marker is missing or has been damaged, as these markers typically last 5 – 10 years. Thus, the agency expects only minimal fiscal impacts due to the proposed amendments to these 21 rules. Based on approximate costs for materials and labor, it is estimated that the agency could incur an annual cost of approximately \$5,900 to replace missing or damaged markers $((\$150/\text{marker} + \$150 \text{ materials}/\text{marker}) \times 10 \text{ markers}/\text{year}) = \$3,000/\text{year} + ((\$29/\text{hr} \times 2 \text{ techs} = \$58/\text{hr}) \times (5 \text{ hrs}/\text{marker} \times 10 \text{ markers}/\text{year} = 50 \text{ hrs}/\text{yr}) = \$2,900/\text{year}) = \$5,900/\text{year}$.¹

Local Impact Analysis: The proposed amendments to these rules have no anticipated local impact.

Private Impact: The proposed amendments to these rules have no anticipated private impact. However, a potential benefit of clarifying no-wake zone boundaries is increased boater safety.

Substantial Economic Impact

There will be no substantial economic impact.

¹ Hourly rates for agency staff reflect total compensation for boating technician II.

APPENDIX A

1 **15A NCAC 10F .0303 BEAUFORT COUNTY**

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

- 3 (1) ~~that the~~ portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693
4 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the
5 east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;
- 6 (2) ~~that the~~ portion of Blounts Creek south of a line 100 yards north of the Blounts Creek Boating
7 Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore
8 at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a
9 point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N,
10 76.96702 W;
- 11 (3) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- 12 (4) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;
- 13 (5) ~~that the~~ portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the Creek
14 Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at
15 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek
16 Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at
17 35.43645 N, 76.96998 W; and
- 18 (6) ~~that the~~ portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N,
19 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a
20 point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N,
21 77.09029 W.
- 22 (7) the waters of Little Creek beginning at a line near its mouth from a point on the east shore at
23 35.41917 N, 76.97102 W to a point on the west shore at 35.41900 N, 76.96940W.

24 (b) Speed Limit. ~~It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in~~
25 ~~Paragraph (a) of this Rule. No person shall operate any motorboat or vessel at greater than no-wake speed within any~~
26 of the regulated areas identified in Paragraph (a) of this Rule.

27 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Beaufort County and the City Council
28 of the City of Washington are ~~the designated as suitable~~ agencies for placement ~~and maintenance~~ of the markers
29 implementing this Rule.

30
31 *History Note: Authority G.S. 75A-3; 75A-15;*
32 *Eff. February 1, 1976;*
33 *Amended Eff. September 1, 2013; September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989;*
34 *March 1, 1987; April 1, 1986; March 4, 1979;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
36 *6, 2016.*

APPENDIX A

1 **15A NCAC 10F .0304 BLADEN COUNTY**

2 (a) Regulated Area. This Rule applies to the waters of White Lake in Bladen County.

3 ~~(b) Restricted Area. The portion waters of White Lake between the shoreline and the offshore marker poles which were~~
4 ~~installed in the lake by the State Parks Division of the Department of Environment, Health, and Natural Resources is~~
5 ~~designated as the restricted area. is designated as the restricted area.~~

6 ~~(b)~~ (c) Swimming. Swimming, except skin diving, shall not be permitted outside of the restricted area.-

7 ~~(e)~~ (d) Skiing. No skiing is permitted in the restricted area, except to leave from within or return into that area. All
8 vessels pulling skiers shall leave from within the restricted area on a course perpendicular to the nearest shoreline. Upon
9 returning, all vessels pulling skiers shall reduce to no-wake speed when the skiers have entered the restricted area.

10 ~~(d)~~ (e) Speed Limit. Within the restricted area all vessels, except those engaged in skiing as regulated by Paragraph ~~(e)~~
11 ~~(d)~~ of this Rule, shall be operated at a no-wake speed. Operation of any vessel on a course parallel to the shoreline is
12 prohibited in the restricted area.

13 ~~(e)~~ (f) Placement and Maintenance of Markers. The Board of Commissioners of Bladen County, the Town of White
14 Lake, and the State Parks Division are the designated ~~as suitable~~ agencies for placement and maintenance of ~~adequate~~
15 ~~marking to implement the regulations listed above. the markers implementing this Rule.~~

16

17 *History Note: Authority G.S. 75A-3; 75A-15;*

18 *Eff. February 1, 1976;*

19 *Amended Eff. April 1, 1990; August 1, 1988; June 17, 1979;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
21 *2016.*

22

APPENDIX A

1 **15A NCAC 10F .0306 CAROLINA BEACH**

2 (a) Regulated Area. This Rule applies to those waters ~~known as~~ of the Carolina Beach Yacht Basin ~~bounded on the~~
3 ~~north by a line perpendicular to Florida Avenue and intersecting marker number "2" in the channel of the yacht basin,~~
4 ~~and on the south by the terminus of the yacht basin at the Carolina Beach Municipal Marina: beginning at a line from a~~
5 ~~point on the east shore at 34.05714 N, 77.88880 W to a point on the west shore at 34.05699 N, 77.89158 W, south to its~~
6 ~~end at the Carolina Beach Municipal Marina.~~

7 (b) Speed Limit. It is unlawful to operate any ~~motorboat or~~ vessel at a speed greater than no-wake speed in the regulated
8 area described in Paragraph (a) of this Rule.

9 (c) Placement ~~and Maintenance~~ of Markers. The Carolina Beach Town Council is the designated ~~a suitable~~ agency for
10 placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast
11 Guard and the United States Army Corps of Engineers.

12

13 *History Note: Authority G.S. 75A-3; 75A-15;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. March 1, 1983;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

17 *2016.*

18

APPENDIX A

1 15A NCAC 10F .0313 HYDE COUNTY

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

- 3 (1) Swan Quarter Canal near the Town of Swan Quarter beginning at its entrance at point at 35.40215 N,
4 76.34033 W in Swanquarter Bay and extending the entire length of the canal;
- 5 (2) Carawan Canal near the Town of Swan Quarter beginning at its entrance at a point at 35.39758 N,
6 76.33312 W in Swanquarter Bay and extending the entire length of the canal;
- 7 (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- 8 (4) ~~That~~ The portion of Far Creek in the Town of Engelhard shore to shore, beginning at a point at
9 35.51061 N, 75.98699 W and ending at the Roper Lane bridge at 35.50869 N, 76.00229 W;
- 10 (5) Fodrey Canal. ~~That~~ The portion of Fodrey Canal shore to shore, beginning in Swanquarter Bay at a
11 point at 35.40345 N, 76.34175 W and extending inland 300 yards ending at a point at 35.40469 N,
12 76.33944 W;
- 13 (6) Silver Lake in Ocracoke, harbor-wide;
- 14 (7) The entire waters of the Hydeland Canal beginning at the Hydeland Canal Access Area (~~35.42131 N,
15 76.20915 W~~) at 35.42131 N, 76.20915 W and ending at the end of SR 1122 (~~35.40873 N, 76.21185
16 W~~); at 35.40873 N, 76.21185 W;
- 17 (8) The waters of Gray Ditch beginning near the SR 1110 bridge at the intersection of Great Ditch Road
18 and Nebraska Road, at 35.45926 N, 76.07527 W and ending at 35.45027 N, 76.06862 W; and
- 19 (9) A The portion of Main Canal off of Mattamuskeet Lake in the vicinity of Mattamuskeet Lodge,
20 beginning in East Main Canal at 35.45226 N, 76.17359 W, and extending to a point in West Main
21 Canal at 35.45174 N, 76.18132 W, and that portion of Central Canal beginning at its intersection with
22 Main Canal and extending northward to 35.45687 N, 76.1751 W.

23 (b) Speed Limit. No person shall operate a ~~motorboat or~~ vessel at greater than no-wake speed on the regulated areas
24 described in Paragraph (a) of this Rule.

25 (c) ~~Placement and Maintenance~~ of Markers. The Board of Commissioners of Hyde County is the designated ~~a suitable~~
26 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
27 States Coast Guard and the United States Army Corps of Engineers.

28

29 *History Note: Authority G.S. 75A-3; 75A-15;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. February 1, 2014; January 1, 2012; December 1, 2010; October 1, 1995; March 1,*
32 *1993; January 1, 1989; March 29, 1981;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
34 *2016.*

35

APPENDIX A

1 15A NCAC 10F .0314 NEW HANOVER COUNTY

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

3 (1) ~~that~~ the area bounded on the north by the US 74-76 Bridge crossing the Intracoastal Waterway, on the
4 south by a line shore to shore intersecting Intracoastal Waterway marker number 127, on the west by
5 the shore of Wrightsville Sound, and on the east by a line perpendicular to US Highway 74-76 and
6 intersecting marker number 25 in Motts Channel;

7 (2) ~~that~~ the area of Motts Channel between marker number 25 at the Intracoastal Waterway on the west
8 and marker number 16 at the entrance from Banks Channel on the east;

9 (3) ~~that~~ the area bounded on the west by the US 76 Bridge crossing Bradley Creek, on the north and south
10 by the banks of Bradley Creek, on the east by a line from a point on the southwest shore at 34.21293
11 N, 77.83171 W, to a point on the northeast shore at 34.21437 N, 77.83061 W;

12 (4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W,
13 to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;

14 (5) the unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach
15 and an unnamed island located approximately 500 feet northeast of the US 74 bridge over Banks
16 Channel; and

17 (6) ~~these~~ the waters of the Northeast Cape Fear River between the US Hwy. 117 bridge and the railroad
18 trestle 60 yards east of the Castle Hayne Boating Access Area.

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

21 (c) Placement of Markers. The Board of Commissioners of New Hanover County is the designated ~~a suitable~~ agency for
22 placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the
23 United States Army Corps of Engineers.

24

25 *History Note: Authority G.S. 75A-3; 75A-15.*

26 *Eff. February 1, 1976;*

27 *Amended Eff. July 1, 1993; May 1, 1989; June 1, 1987; May 1, 1987;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
29 *2016;*

30 *Amended Eff. April 1, 2017.*

31

APPENDIX A

1 **15A NCAC 10F .0318 WARREN COUNTY**

2 (a) Regulated Area. This Rule applies only to that portion of Lake Gaston which lies within the boundaries of Warren
3 County.

4 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any
5 public boat launching ramp while on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.

6 (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a
7 ~~lawfully~~ marked mooring area on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.

8 (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter
9 any ~~lawfully~~ marked public swimming area on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.

10 (e) No person shall operate a vessel at greater than no-wake speed:

11 (1) within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore
12 from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at
13 36.49530 N, 77.91552 W.

14 (2) within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from a point on
15 the northeast shore at 36.50030 N, ~~78.004744 W~~ 78.00474 W to a point on the southwest shore at
16 36.49951 N, 78.00549 W.

17 (f) Placement and Maintenance of Markers. The Board of Commissioners of Warren County is designated the a suitable
18 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
19 States Coast Guard and the United States Army Corps of Engineers. ~~With regard to marking Gaston Lake, all of the~~
20 ~~supplementary standards listed in Rule .0301(e) of this Section shall apply.~~

21

22 *History Note: Authority G.S. 75A-3; 75A-15;*

23 *Eff. February 1, 1976;*

24 *Amended Eff. October 1, 1992; March 25, 1978;*

25 *Temporary Amendment Eff. June 17, 2002;*

26 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on February*
27 *20, 2003;*

28 *Amended Eff. May 1, 2013;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
30 *2016.*

31

APPENDIX A

1 **15A NCAC 10F .0319 WASHINGTON COUNTY**

2 (a) Regulated Areas. This Rule applies to the following waters and portions of waters:

3 (1) ~~that the~~ portion of Mackey's Creek ~~which lies shore to shore, between~~ from a point at 35.93253 N,
4 76.60875 W ~~150 yards upstream from the center of SR 1321, where said road dead ends on the eastern~~
5 ~~shore of the creek, to a point at 35.93401 N, 76.60637 W; and 150 yards downstream from the center~~
6 ~~of SR 1321.~~

7 (2) ~~that the~~ portion of Conaby Creek ~~beginning at~~ shore to shore, from a point east of the N.C. 45 Bridge
8 at 35.89613 N, 76.70603 W, and continuing eastward 1000 feet, east northeast to a point at 35.89757
9 N, 76.70413 W.

10 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed in the regulated area
11 described in Paragraph (a) of this Rule.

12 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Washington County is the designated a
13 ~~suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the
14 United States Coast Guard and the United States Army Corps of Engineers.

15

16 *History Note: Authority G.S. 75A-3; 75A-15;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. February 1, 1995;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
20 *2016.*

21

APPENDIX A

1 15A NCAC 10F .0321 PENDER COUNTY

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

3 (1) ~~the~~ The canal adjoining Old Point ~~Development~~; Development from the canal entrance at the
4 Intracoastal Waterway at a point at 34.36618 N, 77.66395 W;

5 (2) ~~the~~ The First Finger Canal in New Topsail-Beach; Beach from its intersection with Banks Channel at
6 a point at 34.35187 N, 77.65111 W;

7 (3) ~~in the~~ Town of Topsail Beach, those waters on the eastern side of Banks Channel within 100 yards of
8 the shoreline beginning 155 yards west of Bush's Marina, and extending northeast ending 75 yards
9 from the shoreline perpendicular to Haywood Avenue;

10 (4) ~~these~~ The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the
11 railroad trestle 60 yards east of the Castle Hayne Boating Access Area; and

12 (5) ~~in the~~ Town of Surf City, the waters of the channel in Topsail Sound known as Deep Creek, from its
13 mouth at a point at 34.43199 N, 77.54795 W to its end west of Goldsboro Avenue.

14 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated
15 areas described in Paragraph (a) of this Rule.

16 (c) Placement of Markers. The Board of Commissioners of Pender County ~~with respect to~~ for the regulated areas
17 designated in Subparagraphs (1), (2) and (4) of Paragraph (a) of this Rule, the Board of Commissioners of the Town of
18 Topsail Beach, ~~with respect to~~ for the regulated area designated in Subparagraph (3) of Paragraph (a) of this Rule, and
19 the Board of Commissioners of the Town of Surf City, ~~with respect to~~ for the regulated area designated in Subparagraph
20 (5) of Paragraph (a) of this Rule are the ~~as suitable~~ agencies for placement of the markers implementing this
21 Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

22

23 *History Note: Authority G.S. 75A-3; 75A-15;*

24 *Eff. May 1, 1976;*

25 *Amended Eff. July 1, 1993; December 1, 1991; May 1, 1989; October 1, 1985;*

26 *Temporary Amendment Eff. April 1, 1999;*

27 *Amended Eff. June 1, 2017; July 1, 2000.*

28

APPENDIX A

1 **15A NCAC 10F .0326 PAMLICO COUNTY**

2 (a) Regulated Areas. This Rule applies to the following waters or portions of waters in Pamlico County:

3 (1) Silverthorn Bay: the waters of Silverthorn ~~Bay, a tributary of Bay in~~ Lower Broad ~~Creek; Creek, north~~
4 of a line at a point on the east shore at 35.09531 N, 76.60791 W to a point on the west shore at 35.09572
5 N, 76.60883 W.

6 (2) Minnesott Beach: the Minnesott Beach Yacht Basin and its access channel ~~inland from the shoreline~~
7 ~~to~~ extending 30 yards beyond the outermost ~~points of the~~ rock jetties in Neuse River.

8 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed in the regulated areas
9 described in Paragraph (a) of this Rule.

10 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Pamlico County is the designated ~~a suitable~~
11 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
12 States Coast Guard and the United States Army Corps of Engineers.

13

14 *History Note: Authority G.S. 75A-3; 75A-15;*

15 *Eff. May 1, 1977;*

16 *Amended Eff. December 1, 1985; November 1, 1977;*

17 *Temporary Amendment Eff. March 15, 2003;*

18 *Temporary Amendment Expired October 12, 2003;*

19 *Amended Eff. May 1, 2014; May 1, 2004;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
21 *2016.*

22

APPENDIX A

1 **15A NCAC 10F .0328 MARTIN COUNTY**

2 (a) Regulated Area. This Rule applies to those waters of Gardner's Creek located in Martin County.

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

5 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Martin County is the designated ~~a suitable~~
6 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
7 States Coast Guard and the United States Army Corps of Engineers.

8

9 *History Note: Authority G.S. 75A-3; 75A-15;*

10 *Eff. June 18, 1978;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

12 *2016.*

13

APPENDIX A

1 15A NCAC 10F .0330 CARTERET COUNTY

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

- 3 (1) the waters of Money Island Slough, beginning at the east end of Money Island near the Anchorage
4 Marina Basin at a point at 34.70187 N, 76.72938 W and ending at the west end of Money Island where
5 Brooks Avenue dead ends at the ~~slough~~; at a point at 34.70240 N, 76.73277 W;
- 6 (2) the waters of Taylor's Creek in Beaufort, shore to shore from ~~where Taylor's Creek meets the its~~
7 intersection with the Newport River at the western end, to a line at the eastern end between a point on
8 the north shore at 34.70762 N, 76.61784 W, south-southwest to the eastern tip of Carrot Island;
- 9 (3) the waters of Pelletier Creek, beginning at the entrance to Pelletier Creek at the Intracoastal Waterway
10 at a point at 34.72523 N, 76.78042 W and ending at U.S. Highway 70;
- 11 (4) the waters of Bogue Sound Harbor Channel in Morehead City, between Sugar Loaf Island and the
12 seawall on the south side of Evans, Shepard, and Shackelford Streets, ~~and bounded on~~ from the east
13 ~~by~~ at the State Ports ~~Authority, and on the~~ Authority, ~~west by the eastern right of way margin of South~~
14 ~~13th Street extended~~; to a point at 34.71829 N, 76.72015 W at the southern end of South 13th Street;
- 15 (5) the waters of Gallant's Channel, from the ~~US 70 crossing over the~~ U.S. 70 Grayden Paul bridge at a
16 point at 34.72248 N, 76.66936 W, south ~~to Taylor's Creek~~; Creek at a point at 34.71779 N, 76.66963
17 W;
- 18 (6) the waters of Cedar Island Bay and ~~Harbor~~, Harbor in the Town of Cedar Island, from N.C. Highway
19 12 to Cedar Island Bay Channel Light 8;
- 20 (7) the waters of the small cove on the west side of Radio Island south of Old Causeway Road;
- 21 (8) the waters of the Newport River, ~~beginning at the north side of the Beaufort Drawbridge and ending~~
22 from a point north of the US 70 Grayden Paul Bridge at 34.72265 N, 76.66930 W, north northwest to
23 ~~at~~ marker #6;
- 24 (9) the waters of Spooners Creek ~~within the territorial limits of the Town of~~ in Morehead City ~~as delineated~~
25 ~~by appropriate markers~~; City, north of a point where it enters the Intracoastal Waterway at 34.72512
26 N, 76.80261 W;
- 27 (10) the waters of the Newport River at Bogue Sound, including all waters surrounding the Port of
28 Morehead City to Brandt Island as delineated by appropriate markers;
- 29 (11) the waters of Morgans Creek ~~as delineated by appropriate markers~~; west northwest of a point at the
30 mouth at 34.71611 N, 76.67814 W;
- 31 (12) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection
32 with Bogue Sound at 34.70163 N, 76.98157 W, as delineated by appropriate markers;
- 33 (13) the waters of the Newport River within 200 yards of the Newport River Beach Access Boat Ramp,
34 beginning at the shore north of the U.S. 70 bridge at a point at 34.72141 N, 76.68707 W, west to a
35 point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore
36 at 34.72371 N, 76.68631 W;

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1 (14) the waters of Palmetto Drive canal, a tributary to the White Oak River, beginning at a point on the
2 western shore at 34.67903N, 77.10142W to a point on the eastern shore at 34.67899 N, 77.10098 W
3 and extending the entire length of the canal; and

4 (15) ~~that~~ the portion of the canal at Dolphin Bay Estates, a tributary to the White Oak River, beginning 30
5 yards inside the entrance to the canal and extending the entire length of the canal.

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

8 (c) Placement of Markers. The following agencies ~~shall be designated as~~ are the suitable designated agencies for
9 placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the
10 United States Army Corps of Engineers:

11 (1) the Board of Commissioners of Carteret County, ~~with respect to~~ for the regulated areas designated in
12 Subparagraphs ~~(a)~~(1), (3), (5), (6), (7), (8), (11), and (12) of Paragraph (a) of this Rule;

13 (2) the Board of Commissioners of the Town of Beaufort, ~~with respect to~~ for the regulated area designated
14 in Subparagraph ~~(a)~~(2) of Paragraph (a) of this Rule;

15 (3) the Board of Commissioners of Morehead City, ~~with respect to~~ for ~~Subparagraph~~ Subparagraphs ~~(a)~~(4),
16 (9), and (13) of Paragraph (a) of this Rule;

17 (4) the North Carolina State Ports Authority, ~~with respect to~~ for the regulated area designated in
18 Subparagraph ~~(a)~~(10) of Paragraph (a) of this Rule; and

19 (5) the Board of Commissioners of the Town of Cedar Point ~~with respect to~~ for the regulated areas
20 designated in Subparagraphs ~~(a)~~(14) and (15) of Paragraph (a) of this Rule.

21
22 *History Note: Authority G.S. 75A-3; 75A-15;*

23 *Eff. March 4, 1979;*

24 *Amended Eff. October 1, 1997; May 1, 1995; June 1, 1994; February 1, 1994; July 1, 1993;*

25 *Temporary Amendment Eff. February 1, 1998;*

26 *Amended Eff. July 1, 1998;*

27 *Temporary Amendment Eff. March 1, 1999; November 1, 1998;*

28 *Amended Eff. May 1, 2016; July 1, 2012; September 1, 2010; July 1, 2000;*

29 *Temporary Amendment Eff. September 1, 2016;*

30 *Amended Eff. April 1, 2017.*

31

APPENDIX A

1 **15A NCAC 10F .0331 WAKE COUNTY**

2 (a) Regulated Area. This Rule applies to the waters of Lake Wheeler located in Wake County.

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

5 (c) Placement ~~and Maintenance~~ of Markers. The Raleigh City Council is the designated ~~a suitable~~ agency for placement
6 ~~and maintenance~~ of the markers implementing this Rule.

7

8 *History Note: Authority G.S. 75A-3; 75A-15;*

9 *Eff. March 4, 1979;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

11 *2016.*

12

APPENDIX A

1 **15A NCAC 10F .0334 GUILFORD COUNTY**

2 (a) Regulated Area. This Rule applies to the waters of Oak Hollow ~~Lake (High Point Reservoir)~~ Lake, also known as
3 High Point Reservoir, in Guilford County.

4 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no wake speed within 50 yards of any
5 public boat launching ramp.

6 (c) Speed Limit Near Piers. No person shall operate a vessel at greater than no-wake speed within 50 yards of any pier
7 operated by the City of High Point for public use.

8 (d) Placement ~~and Maintenance~~ of Markers. The City Council of High Point is the ~~designated as a suitable~~ agency for
9 placement ~~and maintenance~~ of markers implementing this Rule.

10

11 *History Note: Authority G.S. 75A-3; 75A-15;*

12 *Eff. August 31, 1980;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

14 *2016.*

APPENDIX A

1 **15A NCAC 10F .0337 FRANKLIN COUNTY**

2 (a) Regulated Area. This Rule applies only to Lake Royale in Franklin County.

3 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any
4 public boat launching ramp while on the waters of Lake Royale in Franklin County.

5 (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked
6 mooring area established with the approval of the Executive Director, or his representative, on the waters of Lake Royale
7 in Franklin County.

8 (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter
9 any marked public swimming area established with the approval of the Executive Director, or his representative, on the
10 waters of Lake Royale in Franklin County.

11 (e) Placement and Maintenance of Markers. The Board of Commissioners of Franklin County is the designated ~~a suitable~~
12 agency for placement and maintenance of the markers implementing this Rule, ~~subject to the approval of the United~~
13 ~~States Coast Guard and the United States Army Corps of Engineers. With regard to marking Lake Royale, all of the~~
14 ~~supplementary standards listed in Rule .0301(g) of this Section shall apply.~~ Rule.

15

16 *History Note: Authority G.S. 75A-3; 75A-15;*

17 *Eff. August 23, 1981;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
19 *2016.*

20

APPENDIX A

1 **15A NCAC 10F .0348 PERSON COUNTY**

2 (a) Regulated Area. This Rule applies to the Mayo Electric Generating Plant Reservoir, otherwise known as Mayo
3 Reservoir, ~~which is located~~ in Person County.

4 (b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a ~~motorboat or~~
5 vessel in any restricted zone which is marked to prevent entry by boats.

6 (c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any
7 sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet
8 or more.

9 (d) Speed Limit. Except as provided in Paragraph (e) of this Rule, no person shall operate a vessel at greater than
10 no-wake speed within 50 yards of any marked bridge, boat launching ramp, pier, boat storage structure, or boat service
11 area on the regulated area described in Paragraph (a) of this Rule.

12 (e) Skiing. Except to leave or return to the shore or a boat launching ramp, no skiing is permitted within any speed zone
13 described in Paragraph (d) of this Rule. In leaving or returning to the shore or boat ramp, all vessels pulling skiers shall
14 be operated on a course perpendicular to the shore line. ~~Upon dropping skiers within any such speed zone, the boat speed~~
15 ~~shall be reduced to no-wake speed. Upon returning, all vessels pulling skiers shall reduce to no-wake speed when the~~
16 skiers have entered the restricted area.

17 (f) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

18 (g) Boating Access. No vessel shall be placed on the regulated area described in Paragraph (a) of this Rule from any
19 point other than the boat launching ramp provided on SR 1515.

20 (h) No Wake Zone. No person shall operate a vessel at greater than no wake speed within the waters of the channel on
21 Mayo Reservoir beginning north of the Triple Springs Boating Access Area, shore to shore from 36.48051N; 78.87763
22 W to 36.47994 N, 78.87963 W, southward ending at an area below the Mayo Park ADA Fishing Pier shore to shore from
23 36.47753N; 78.87681W to 36.4772 N; 78.87828W.

24 (i) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Person County is the designated ~~a suitable~~
25 agency for placement ~~and maintenance~~ of markers implementing this Rule. ~~Provided the said board exercises its~~
26 ~~supervisory responsibility, it may delegate the actual placement and maintenance to some other responsible agency,~~
27 ~~corporation, group or individual. With regard to marking the regulated area described in Paragraph (a) of this Rule, the~~
28 ~~supplementary standards set forth in Rule .0301(e) of this Section shall apply.~~

29

30 *History Note: Authority G.S. 75A-3; 75A-15;*

31 *Eff. August 1, 1984;*

32 *Amended Eff. December 1, 2010; April 1, 1997;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
34 *2016.*

35

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1 **15A NCAC 10F .0351 NEW BERN**

2 (a) Regulated Area. This Rule applies to that part of the Trent River that is located within the city limits of New Bern
3 in Craven County.

4 (b) Speed Limit. No person shall operate any vessel at greater than no-wake speed on the Trent River between the Trent
5 River Railroad Bridge and the ~~Alfred A. Cunningham Highway (old US 70) Bridge~~ Trent River Bridge on East Front
6 Street, in the City of New Bern.

7 (c) Placement ~~and Maintenance~~ of Markers. The Board of Alderman of the City of New Bern is the designated ~~a suitable~~
8 agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United
9 States Coast Guard and the United States Army Corps of Engineers.

10

11 *History Note: Authority G.S. 75A-3; 75A-15;*

12 *Eff. October 1, 1986;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
14 *2016.*

15

APPENDIX A

1 15A NCAC 10F .0352 CAMDEN COUNTY

2 (a) Regulated Areas. This Rule applies to the waters described below:

3 (1) ~~the waters of Edgewater Canal Canal, beginning at a point at 36.17539 N, 75.97945 W, running parallel~~
4 with and along the south shore of Camden Point ~~in Camden County~~ and the connecting channels to
5 Albemarle ~~Sound; Sound in Camden County;~~

6 (2) ~~That the portion of Turner's Cut (South Mills Shore Canal) Cut, otherwise known as South Mills~~
7 ~~Shore Canal,~~ for a distance of approximately 1000 feet, south of a line from a point on the east shore
8 at 36.41129 N, 76.30598 W to a point on the west shore at 36.41096 N, 76.30654 W and north of a
9 line from a point on the east shore at 36.40912 N, 76.30402 W to a point on the west shore at 36.40880
10 N, 76.30462 W;

11 (3) ~~The~~ the canals of Whitehall Shores subdivision on the Pasquotank River; and

12 (4) ~~The~~ the cove south of Sawyers Creek on the east side of the Pasquotank River in the town of Camden,
13 east of a line from a point on the north shore at 36.32383 N, 76.18087 W to a point on the south shore
14 at 36.32254 N, 76.18017 W.

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

17 (c) Placement and Maintenance of Markers. The Board of Commissioners of Camden County is ~~the~~ designated ~~a suitable~~
18 agency for placement and maintenance of the markers implementing this ~~Rule. Rule, subject to the approval of the Unite~~
19 States Coast Guard and the United States Army Corps of Engineers.

20

21 *History Note: Authority G.S. 75A-3; 75A-15;*

22 *Eff. June 1, 1987;*

23 *Amended Eff. January 1, 1989;*

24 *Temporary Amendment Eff. March 15, 2003;*

25 *Temporary Amendment Expired October 12, 2003;*

26 *Amended Eff. February 1, 2014; May 1, 2013; May 1, 2004;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
28 *2016.*

29

APPENDIX A

1 **15A NCAC 10F .0354 PITT COUNTY**

2 (a) Regulated Areas. This Rule applies to the waters described in this Paragraph:

3 (1) ~~The entire inlet~~ the waters of Hardee Creek shore to shore, west of a line at its intersection with the Tar
4 River from a point on the north shore at 35.59872 N, 77.31165 W to a point on the south shore at
5 35.59821 N, 77.31150 W; from the Tar River in Pitt County; and

6 (2) ~~that~~ the portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159
7 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east
8 shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.

9 (b) Speed Limit. No person shall operate a ~~motorboat or~~ vessel at greater than no-wake speed within the regulated areas
10 described in Paragraph (a) of this Rule.

11 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Pitt County is the designated ~~a suitable~~
12 agency for placement and maintenance of markers implementing this Rule.

13

14 *History Note: Authority G.S. 75A-3; 75A-15;*

15 *Eff. May 1, 1988;*

16 *Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
18 *2016.*

19

APPENDIX A

1 15A NCAC 10F .0355 PERQUIMANS COUNTY

2 (a) Regulated Areas. This Rule applies to the following waters:

3 (1) Perquimans River:

4 (A) The canals of Holiday Island subdivision at Albemarle Sound; and

5 (B) Town of Hertford: ~~that~~ the part of the Perquimans River beginning 75 yards northeast of the
6 Perquimans River Bridge (Hertford S-shaped Bridge) parallel to the bridge, shore to shore,
7 and ending approximately 550 yards southwest, at a line from a point on the north shore
8 36.19300 N, 76.46962 W to a point on the south shore 36.19150 N, 76.47099 W.

9 (2) Yeopim River:

10 (A) The canal ~~entrance~~ between Navaho Trail and Cherokee Trail beginning at a point at 36.07895
11 N, 76.42278 W;

12 (B) The canal ~~entrance~~ between Cherokee Trail and Ashe Street beginning at a point at 36.07863
13 N, 76.42605 W;

14 (C) ~~The~~ Within 50 yards of the boat ramp at Ashe and Pine Street;

15 (D) The canal ~~entrance~~ between Pine Street and Linden Street beginning at a point at 36.07947 N,
16 76.43404 W;

17 (E) The canal ~~entrance and boat ramp~~ between Willow Street and Evergreen Drive beginning at
18 a point at 36.080007 N, 76.43737 W;

19 (F) The canal ~~entrance~~ between Sago Street and Alder Street beginning at a point at 36.07986 N,
20 76.44063 W; and

21 ~~(G) The swimming area at the Snug Harbor Park and Beach; and~~

22 ~~(H)~~ (G) Bethel Creek north of a line from a point on the west shore at 36.09552N, 76.47958W to a
23 point on the east shore at 36.095517N, 76.47735W to a line from a point on the west shore at
24 36.10532N, 76.48080W to a point on the east shore at 36.10516N, 76.48047W.

25 (3) Yeopim Creek:

26 (A) The canal ~~entrance~~ between Mohave Trail and Iowa Trail beginning at a point at 36.08521 N,
27 76.41802 W;

28 (B) The canal ~~entrance~~ between Iowa Trail and Shawnee Trail beginning at a point at 36.08511
29 N, 76.41763 W;

30 (C) The area within 75 yards of the Albemarle Plantation Marina Piers;

31 (D) The area of Beaver Cove ~~as delineated by appropriate markers~~ shore to shore, beginning at a
32 point at 36.08767 N, 76.42151 W ; and

33 (E) The waters of Yeopim Creek adjacent to Heritage Shores North, shore to shore, east of a line
34 from a point on the north shore at 36.11356 N, 76.43138 W to a point on the south shore at
35 36.11288 N, 76.43173 W, to a line northwest from a point on the east shore at 36.11219 N,
36 76.42445 W to a point on the west shore at 36.11178 N, 76.42596 W.

APPENDIX A

1 (4) Little River: The entrance to the cove known as "~~Muddy Gut Canal,~~ Muddy Gut Canal which extends
2 from the waters known as "~~Deep Creek,~~ Deep Creek, shore to shore beginning at a line from a point
3 on the east shore at 36.17729 N, 76.28011 W to a point on the west shore at 36.17667 N, 76.28331 W.

4 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated
5 area described in Paragraph (a) of this Rule.

6 (c) Swimming Area. No person operating or responsible for the operation of any vessel shall permit it to enter the
7 swimming area at the Snug Harbor Park and Beach on the Yeopim River.

8 ~~(e)~~ (d) Placement of Markers. The Board of Commissioners of Perquimans County is the designated ~~a suitable agency~~
9 for placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United
10 States Army Corps of Engineers.

11

12 *History Note: Authority G.S. 75A-3; 75A-15;*

13 *Eff. November 1, 1988;*

14 *Amended Eff. October 1, 1992;*

15 *Temporary Amendment Eff. October 1, 1997;*

16 *Amended Eff. July 1, 1998;*

17 *Temporary Amendment Eff. February 4, 2000;*

18 *Amended Eff. January 1, 2015; September 1, 2013; May 1, 2006; June 1, 2005; July 1, 2000;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
20 *2016;*

21 *Amended Eff. June 1, 2017.*

22

APPENDIX A

1 **15A NCAC 10F .0356 PASQUOTANK COUNTY**

2 (a) Regulated Area. This area applies to the canals of the Glen Cove Subdivision in Pasquotank County.

3 (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed while on the waters of the regulated
4 area designated in Paragraph (a) of this Rule.

5 (c) Placement ~~and Maintenance~~ of Markers. The Board of County Commissioners of Pasquotank County is the
6 ~~designated a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the
7 approval of the United States Coast Guard and the United States Army Corps of Engineers.

8

9 *History Note: Authority G.S. 75A-3; 75A-15;*

10 *Eff. December 1, 1988;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

12 *2016.*

13

APPENDIX A

1 **15A NCAC 10F .0361 WILKES COUNTY**

2 (a) Regulated Area. This Rule applies to those waters within 50 yards of any marked boat launching area, bridge, dock,
3 pier, marina, boat storage structure, or boat service area located on W. Kerr Scott Reservoir ~~located~~ in Wilkes County.

4 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the
5 regulated area described in Paragraph (a) of this Rule.

6 (c) Placement ~~and Maintenance~~ of Markers. The Wilkes County Board of Commissioners is the designated ~~a suitable~~
7 agency for placement ~~and maintenance~~ of the markers implementing this Rule.

8

9 *History Note: Authority G.S. 75A-3; 75A-15;*

10 *Eff. September 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

12 *2016.*

13

APPENDIX A

1 **15A NCAC 10F .0363 CASWELL AND PERSON COUNTIES**

2 (a) Regulated Areas. This Rule applies ~~only on that portion of~~ to the waters of Hyco Lake ~~which lies within the~~
3 ~~boundaries of in~~ Caswell and Person Counties counties, ~~and to the restricted zones indicated by Paragraphs (b) and (c)~~
4 ~~of this Rule on such waters.~~

5 (b) Speed Limit Near Bridges. No person shall operate a vessel at greater than no-wake speed ~~limit~~ within 50 yards of
6 any ~~bridges crossing over~~ bridge that crosses the waters of Hyco Lake.

7 (c) Speed Limit in Canals. No person shall operate a vessel at greater than no-wake speed ~~limit~~ within any canals
8 ~~connected to~~ on Hyco Lake.

9 (d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Caswell and Person Counties are the
10 ~~hereby~~ designated as suitable agencies for placement ~~and maintenance~~ of the markers implementing this Rule.

11

12 *History Note: Authority G.S. 75A-3; 75A-15;*

13 *Eff. November 1, 1990;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

15 *2016.*

16

APPENDIX A

1 **15A NCAC 10F .0364 GREENSBORO**

2 (a) Regulated Area. This Rule applies to the waters of Lake Brandt, Lake Higgins, ~~Lake Townsend and Lake Townsend,~~
3 otherwise known as Greensboro Municipal Reservoirs, ~~(Greensboro Municipal Reservoirs)~~ within the city limits of
4 Greensboro in Guilford County.

5 (b) Speed Limit. No person shall operate a vessel at greater than no wake speed within 50 yards of any marked public
6 boat launching ramp, bridge, dock, marina, boat storage structure, boat service area or pier operated by the City of
7 Greensboro for public use.

8 (c) Restricted Zones. No person operating or responsible for the operation of any vessel shall permit ~~the same~~ it to enter
9 any restricted zone marked to prevent entry by vessels.

10 (d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Guilford County is the designated ~~a~~
11 ~~suitable~~ agency for placement ~~and maintenance~~ of markers implementing this Rule.

12

13 *History Note: Authority G.S. 75A-3; 75A-15;*

14 *Eff. August 1, 1991;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
16 *2016.*

17

APPENDIX A

1 **15A NCAC 10F .0365 TYRRELL COUNTY**

2 (a) Regulated Area. This Rule applies to the following waters in Tyrrell County:

3 (1) ~~That the~~ portion of the Scuppernong River from 300 yards west of the ~~Highway 64~~ U.S. Highway 64
4 bridge to 100 yards east of the ~~Highway 64 bridge as designated by the appropriate markers.~~ U.S.
5 Highway 64 bridge.

6 (2) ~~That the~~ portion of the Scuppernong River from the Columbia Boat Ramp extending 200 feet into the
7 ~~river as designated by the appropriate markers.~~ river.

8 (3) ~~The entire the~~ waters of the canal that leads to the marina at Taylor's Beach on Albemarle Sound in
9 Columbia, beginning at a point at 35.95559 N, 76.30219 W.

10 (b) Speed Limit. It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in
11 Paragraph (a) of this Rule.

12 (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Tyrrell County is the designated ~~as the~~
13 ~~suitable~~ agency for the placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval
14 of the United States Coast Guard and the United States Army Corps of Engineers.

15

16 *History Note: Authority G.S. 75A-3; 75A-15;*

17 *Eff. December 1, 1993;*

18 *Amended Eff. September 1, 2011; December 1, 1994;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
20 *2016.*

21

APPENDIX A

1 **15A NCAC 10F .0368 TOWN OF NAGS HEAD**

2 (a) Regulated Area. This Rule applies to the waters of the Roanoke Sound extending 600 feet from the shoreline;
3 ~~adjacent to and from~~ the northern boundary of the Old Nags Head Cove Subdivision at a point at 35.95132 N, 75.63238
4 W to the southern boundary of the Old Nags Head Cove Subdivision at a point at 35.93670 N, 75.62228 W, and marked
5 by buoys.

6 (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the
7 regulated area described in Paragraph (a) of this Rule.

8 (c) Placement ~~and Maintenance~~ of Markers. The Town of Nags Head is the designated a suitable agency for placement
9 ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval of the United States Coast Guard
10 and United States Army of Corps of Engineers.

11

12 *History Note: Authority G.S. 71A-15; 72A-3;*

13 *Temporary Adoption Eff. July 1, 2002;*

14 *Eff. April 1, 2003;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
16 *2016.*

17

APPENDIX A

1 **15A NCAC 10F .0370 CITY OF ROCKY MOUNT**

2 (a) Regulated Areas. This Rule applies to the waters ~~of the Tar River shore to shore, beginning 100 yards upstream from~~
3 ~~at the North Carolina SR 43 Bridge, also known as the Bridge on Peachtree Street Bridge, Street, eastward 100 yards~~
4 ~~and ending at to the edge of the Rocky Mount Mill Dam. on the Tar River.~~

5 (b) Swimming or boating. No swimming or other entry of a person in or upon a boat, raft or other floating object shall
6 be permitted within the ~~exclusion~~ exclusionary zone established in Paragraph (a) of this Rule.

7 (c) Paragraph (b) of this Rule shall not apply to persons who, with consent of the City of Rocky Mount, require access
8 for ~~the purpose of~~ maintaining or repairing facilities associated with the Rocky Mount Mill Dam or the Rocky Mount
9 Mill.

10 (d) Placement ~~and Maintenance~~ of Markers. The City of Rocky Mount is designated as ~~the a suitable~~ entity for placement
11 ~~and maintenance~~ of buoys and other signs indicating the areas in which boating and swimming are prohibited by this
12 Rule.

13

14 *History Note: Authority G.S. 75A-3; 75A-15;*

15 *Eff. May 1, 2004;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*

17 *2016.*

18

APPENDIX A

1 **15A NCAC 10F .0374 ~~ALCOA POWER GENERATING INC. CUBE YADKIN GENERATION SAFETY~~**
2 **ZONES**

3 (a) Regulated Area. This Rule applies to the area one hundred feet upstream or downstream from the stations and ~~dams~~
4 ~~(and dams, associated structures, abutments and equipment of these at the following stations and dams) listed in~~
5 ~~Paragraph (f) of this Rule.~~ stations:

6 (1) Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery Counties;

7 (2) High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson Counties.

8 (b) Fishing. Except as otherwise provided in this Paragraph or in Paragraph (c) of this Rule, no person may enter the
9 waters within the regulated areas described in Paragraph (a) of this ~~Rule.~~ Persons Rule, except persons engaged in fishing
10 within the regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing
11 activities provided that they shall wear at all times a U.S. Coast Guard approved personal ~~floatation~~ flotation device in
12 serviceable condition and of appropriate size for the wearer.

13 (c) Boating. Any person in or upon a boat, raft or other floating object that enters into the regulated areas described in
14 Paragraph (a) of this Rule shall wear at all times a U.S. Coast Guard approved personal ~~floatation~~ flotation device in
15 serviceable condition and of appropriate size for the wearer.

16 (d) No vessel may tie off to any part of the hydroelectric station structure or the accessory portions thereof within
17 regulated areas described in Paragraph (a) of this Rule, or to anchor or otherwise secure a vessel in these areas.

18 ~~(d) Paragraph (e) (d) of this Rule does not apply to persons who enter with consent of Alcoa Power Generating, Inc.~~
19 Cube Yadkin Generation for the purpose of maintaining, repairing or evaluating facilities of ~~Alcoa Power Generating,~~
20 ~~Inc.; Cube Yadkin Generation;~~ law enforcement or emergency personnel; or ~~NC N.C.~~ state employees acting in an official
21 capacity.

22 ~~(e) Placement and Maintenance of Markers. Alcoa Power Generating, Inc. Cube Yadkin Generation is the designated~~
23 ~~as a suitable~~ entity for placement and maintenance of buoys and other signs implementing this Rule.

24 ~~(f) Alcoa Power Generating Inc., hydroelectric stations affected by this Rule:~~

25 (1) ~~Narrows Hydroelectric Station in Yadkin River in Stanly and Montgomery Counties;~~

26 (2) ~~High Rock Hydroelectric Station in Yadkin River in Rowan and Davidson Counties.~~

27
28 *History Note: Authority G.S. 75A-3; 75A-15;*

29 *Eff. January 1, 2008;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,*
31 *2016.*

EXHIBIT G-2

August 23, 2017



Proposed Rules for Amendment Under 15A NCAC 10F .0300 - Local Water Safety Regulations

Title 15A NCAC 10F .0300 - Local Water Safety Regulations

All 15A NCAC 10F. 0300 Water Safety Rules have been reviewed as part of the 2016 Periodic Review process. Twenty-seven rules proposed for amendment are not required to be readopted, but are proposed for revisions to incorporate the following changes:

- Revise language and terms for consistency;
- Clarify no-wake zone boundaries by including coordinates;
- Correct names of locations or Rule title;
- Remove applicant's responsibility for maintenance of markers;
- Remove the word "motorboat", as the statutory definition of "vessel" includes motorboats;
- Include appropriate federal approval for placement of markers.

Staff recommends approval to proceed with publishing Notice of Text in the NC Register, holding one public hearing, and opening the comment period for the following Rules. Complete Rule text is included at the back of this exhibit.

SUMMARY OF CHANGES TO EACH RULE

15A NCAC 10F .0303 Beaufort County

Update language for consistency, remove maintenance of markers, and remove the word "motorboat" from the rule.

15A NCAC 10F .0303 Beaufort County (page 5)

15A NCAC 10F .0304 Bladen County

Update language, renumber the Rule.

15A NCAC 10F .0304 Bladen County (page 6)

15A NCAC 10F .0306 Carolina Beach

Clarify boundaries and add coordinates, remove “motorboat” and maintenance.
15A NCAC 10F .0306 (page7)

15A NCAC 10F .0313 Hyde County

Technical changes to add coordinates, correct names, remove “motorboat” and maintenance.
15A NCAC 10F .0313 (page 8)

15A NCAC 10F .0314 New Hanover County

Technical changes to update language for consistency, correct coordinates.
15A NCAC 10F .0314 (page 9)

15A NCAC 10F .0318 Warren County

Correct name and coordinates, remove maintenance.
15A NCAC 10F .0318 (page10)

15A NCAC 10F .0319 Washington County

Update language, add coordinates, remove “motorboat” and maintenance.
15A NCAC 10F .0319 (page 11)

15A NCAC 10F .0321 Pender County

Technical change to update language for consistency.
15A NCAC 10F .0321 (page 12)

15A NCAC 10F .0326 Pamlico County

Technical changes to add coordinates, correct name and update language for consistency, remove “motorboat” and maintenance.
15A NCAC 10F .0326 (page 13)

15A NCAC 10F .0328 Martin County

Remove “motorboat” and maintenance.
15A NCAC 10F .0328 (page 14)

15A NCAC 10F .0330 Carteret County

Correct names and update language, correct coordinates, remove “motorboat.”
15A NCAC 10F .0330 (pages 15-16)

15A NCAC 10F .0331 Wake County

Remove “motorboat” and maintenance.
15A NCAC 10F .0331 (page 17)

15A NCAC 10F .0334 Guilford County

Correct text, remove maintenance.
15A NCAC 10F .0334 (page 18)

15A NCAC 10F .0337 Franklin County

Lake Royale is a private, limited access lake; therefore, maintenance remains responsibility of Franklin County. As a private lake, it is not subject to the approval of the USACE and USCG; therefore, that language is stricken.
15A NCAC 10F .0337 (page 19)

15A NCAC 10F .0348 Person County

Update language, correct coordinates, remove maintenance.
15A NCAC 10F .0348 (page 20)

15A NCAC 10F .0351 New Bern

Correct name of road, remove maintenance.
15A NCAC 10F .0351 (page 21)

15A NCAC 10F .0352 Camden County

Technical corrections to update language and correct coordinates, remove maintenance.
15A NCAC 10F .0352 (page 22)

15A NCAC 10F .0354 Pitt County

Update language, specify location with description and coordinates, remove “motorboat” and maintenance.
15A NCAC 10F .0354 (page 23)

15A NCAC 10F .0355 Perquimans County

Describe locations with details and coordinates, correct coordinates, remove maintenance, and move the swimming area from (a)(2)(G) to Paragraph (b). A swimming area is a no-entry zone rather than a no-wake zone and requires a separate Paragraph from other no-wake zones.
15A NCAC 10F .0355 (pages 24-25)

15A NCAC 10F .0356 Pasquotank County

Remove maintenance. Add purview of USACE and the USCG in a coastal county.

15A NCAC 10F .0356 (page 26)

15A NCAC 10F .0361 Wilkes County

Remove “motorboat” and maintenance.

15A NCAC 10F .0361 (page 27)

15A NCAC 10F .0363 Caswell and Person Counties

Update and clarify language. Remove maintenance.

15A NCAC 10F .0363 (page 28)

15A NCAC 10F .0364 Greensboro

Add official name of Lake Townsend. Remove maintenance.

15A NCAC 10F .0364 (page 29)

15A NCAC 10F .0365 Tyrrell County

Clarify descriptions and remove maintenance. Add the purview of USACE and USCG in a coastal county.

15A NCAC 10F .0365 (page 30)

15A NCAC 10F .0368 Town of Nags Head

Add descriptions and coordinates to clarify boundaries. Remove maintenance. Add the purview of USACE and USCG in a coastal county.

15A NCAC 10F .0368 (page 31)

15A NCAC 10F .0370 City of Rocky Mount

Clarify description and correct spelling, and remove maintenance.

15A NCAC 10F .0370 (page 32)

15A NCAC 10F .0374 Alcoa Power Generating, Inc. Safety Zones

Change facility name to Cube Yadkin Generation in the Rule title and in body of the Rule. Reorganize text to fall under Paragraph (a), numbers (1) and (2). Add minor technical changes for spelling and punctuation corrections.

15A NCAC 10F .0374 (page 33)

15A NCAC 10F .0303 BEAUFORT COUNTY

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

- (1) ~~that the~~ portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;
- (2) ~~that the~~ portion of Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W;
- (3) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- (4) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;
- (5) ~~that the~~ portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at ~~35.43645 N 35.43679 N, 76.96998 W~~ 76.97011 W; and
- (6) ~~that the~~ portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.
- (7) the waters of Little Creek beginning at a line near its mouth from a point on the east shore at 35.41917 N, 76.97102 W to a point on the west shore at 35.41900 N, 76.96940 W.

(b) Speed Limit. ~~It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule. No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.~~

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Beaufort County and the City Council of the City of Washington are ~~the designated as suitable~~ agencies for placement ~~and maintenance~~ of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0304 BLADEN COUNTY

(a) Regulated Area. This Rule applies to the waters of White Lake in Bladen County.

~~(b) Restricted Area. The portion waters of White Lake between the shoreline and the offshore marker poles which were installed in the lake by the State Parks Division of the Department of Environment, Health, and Natural Resources is designated as the restricted area.~~ is designated as the restricted area.

~~(b)~~ (c) Swimming. Swimming, except skin diving, shall not be permitted outside of the restricted area.

~~(c)~~ (d) Skiing. No skiing is permitted in the restricted area, except to leave from within or return into that area. All vessels pulling skiers shall leave from within the restricted area on a course perpendicular to the nearest shoreline. Upon returning, all vessels pulling skiers shall reduce to no-wake speed when the skiers have entered the restricted area.

~~(d)~~ (e) Speed Limit. Within the restricted area all vessels, except those engaged in skiing as regulated by Paragraph ~~(c)~~ (d) of this Rule, shall be operated at a no-wake speed. Operation of any vessel on a course parallel to the shoreline is prohibited in the restricted area.

~~(e)~~ (f) Placement and Maintenance of Markers. The Board of Commissioners of Bladen County, the Town of White Lake, and the State Parks Division are the designated as ~~suitable~~ agencies for placement and maintenance of ~~adequate~~ marking to implement the regulations listed above. the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0306 CAROLINA BEACH

(a) Regulated Area. This Rule applies to those waters ~~known as~~ of the Carolina Beach Yacht Basin ~~bounded on the north by a line perpendicular to Florida Avenue and intersecting marker number "2" in the channel of the yacht basin, and on the south by the terminus of the yacht basin at the Carolina Beach Municipal Marina.~~ beginning at a line from a point on the east shore at 34.05714 N 34.05720 N, 77.88880 W 77.88896 W to a point on the west shore at 34.05699 N 34.05984 N, 77.89158 W 77.89163 W, south to its end at the Carolina Beach Municipal Marina.

(b) Speed Limit. It is unlawful to operate any ~~motorboat or~~ vessel at a speed greater than no-wake speed in the regulated area described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Carolina Beach Town Council is the designated ~~a suitable~~ agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0313 HYDE COUNTY

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

- (1) Swan Quarter Canal near the Town of Swan Quarter beginning at its entrance at point at 35.40215 N, 76.34033 W in Swanquarter Bay and extending the entire length of the canal;
- (2) Carawan Canal near the Town of Swan Quarter beginning at its entrance at a point at 35.39758 N, 76.33312 W in Swanquarter Bay and extending the entire length of the canal;
- (3) The waters within 50 yards of all public boat launching areas providing access to Pamlico Sound;
- (4) ~~That~~ The portion of Far Creek in the Town of Engelhard shore to shore, beginning at a point at ~~35.51061 N, 75.98699 W~~ 35.51051 N, 75.98693 W and ending at the Roper Lane bridge at 35.50869 N, 76.00229 W;
- (5) Fodrey Canal. ~~That~~ The portion of Fodrey Canal shore to shore, beginning in Swanquarter Bay at a point at 35.40345 N, 76.34175 W and extending inland 300 yards ending at a point at 35.40469 N, 76.33944 W;
- (6) Silver Lake in Ocracoke, harbor-wide;
- (7) The entire waters of the Hydeland Canal beginning at the Hydeland Canal Access Area ~~(35.42131 N, 76.20915 W)~~ at 35.42131 N, 76.20915 W and ending at the end of SR 1122 ~~(35.40873 N, 76.21185 W)~~; at 35.40873 N, 76.21185 W;
- (8) The waters of Gray Ditch beginning ~~near~~ north of the SR 1110 bridge at the intersection of Great Ditch Road and Nebraska Road, at 35.45926 N, 76.07527 W and ending at 35.45027 N, 76.06862 W; and
- (9) ~~A~~ The portion of ~~Main Canal~~ Outfall Canal, otherwise known as Main Canal off of Mattamuskeet Lake in the vicinity of Mattamuskeet Lodge, beginning in East Main Canal at 35.45226 N, 76.17359 W, and extending to a point in West Main Canal at 35.45174 N, 76.18132 W, and that portion of Central Canal beginning at its intersection with ~~Main~~ Outfall Canal and extending northward to 35.45687 N, 76.1751 W.

(b) Speed Limit. No person shall operate a ~~motorboat or~~ vessel at greater than no-wake speed on the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is ~~the~~ designated ~~a suitable~~ agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0314 NEW HANOVER COUNTY

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

- (1) ~~that~~The area bounded on the north by the US 74-76 Bridge crossing the Intracoastal Waterway, on the south by a line shore to shore intersecting Intracoastal Waterway marker number 127, on the west by the shore of Wrightsville Sound, and on the east by a line perpendicular to US Highway 74-76 and intersecting marker number 25 in Motts Channel;
- (2) ~~that~~The area of Motts Channel between marker number 25 at the Intracoastal Waterway on the west and marker number 16 at the entrance from Banks Channel on the east;
- (3) ~~that~~The area bounded on the west by the US 76 Bridge crossing Bradley Creek, on the north and south by the banks of Bradley Creek, on the east by a line from a point on the southwest shore at ~~34.21293 N 77.83171 W~~ 34.21298 N, 77.83173 W, to a point on the northeast shore at ~~34.21437 N 77.83061 W~~ 34.21446 N, 77.83063 W;
- (4) Lee's Cut from its western intersection with the Intracoastal Waterway at 34.21979 N, 77.80965 W, to its eastern intersection with Banks Channel at 34.21906 N, 77.79645 W;
- (5) ~~the~~ The unnamed channel lying between the shore west of Bahama Drive in the Town of Wrightsville Beach and an unnamed island located approximately 500 feet northeast of the US 74 bridge over Banks Channel; and
- (6) ~~those~~The waters of the Northeast Cape Fear River between the US Hwy. 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area.

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

(c) Placement of Markers. The Board of Commissioners of New Hanover County is the designated ~~a suitable~~ agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0318 WARREN COUNTY

- (a) Regulated Area. This Rule applies only to that portion of Lake Gaston which lies within the boundaries of Warren County.
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.
- (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a ~~lawfully~~ marked mooring area on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.
- (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any ~~lawfully~~-marked public swimming area on the waters of ~~Gaston Lake~~ Lake Gaston in Warren County.
- (e) No person shall operate a vessel at greater than no-wake speed:
- (1) within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49530 N 36.49534 N, 77.91552 W 77.91508 W.
 - (2) within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.004744 W 78.00474 W to a point on the southwest shore at 36.49951 N 36.49947 N, 78.00549 W, 78.00553 W.
- (f) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Warren County is the designated a ~~suitable~~ agency 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. ~~With regard to marking Gaston Lake, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.~~

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0319 WASHINGTON COUNTY

(a) Regulated Areas. This Rule applies to the following waters and portions of waters:

- (1) ~~that the~~ portion of Mackey's-Creek ~~Creek, otherwise known as Kendrick Creek, which lies shore to shore, between~~ from a point at 35.93253 N, 76.60875 W 150 yards upstream from the center of SR 1321, where said road dead ends on the eastern shore of the creek, to a point at 35.93401 N, 76.60637 W; and 150 yards downstream from the center of SR 1321.
- (2) ~~that the~~ portion of Conaby Creek ~~beginning at shore to shore, from a point east of~~ the N.C. 45 Bridge at 35.89613 N, 76.70603 W, and continuing eastward 1000 feet. east northeast to a point at 35.89757 N, 76.70413 W.

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

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Washington County is the designated ~~a suitable~~ agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0321 PENDER COUNTY

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

- (1) ~~the~~ The canal adjoining Old Point ~~Development~~; Development from the canal entrance at the Intracoastal Waterway at a point at 34.36618 N, 77.66395 W;
- (2) ~~the~~ The First Finger Canal in New Topsail~~Beach~~; Beach from its intersection with Banks Channel at a point at 34.35187 N, 77.65111 W;
- (3) ~~in the~~ Town of Topsail Beach, those waters on the eastern side of Banks Channel within 100 yards of the shoreline beginning 155 yards west of Bush's Marina, and extending northeast ending 75 yards from the shoreline perpendicular to Haywood Avenue;
- (4) ~~these~~ The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area; and
- (5) ~~in the~~ Town of Surf City, the waters of the channel in Topsail Sound known as Deep Creek, from its mouth at a point at 34.43199 N, 77.54795 W to its end west of Goldsboro Avenue.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Board of Commissioners of Pender County ~~with respect to~~ for the regulated areas designated in Subparagraphs (1), (2) and (4) of Paragraph (a) of this Rule, the Board of Commissioners of the Town of Topsail Beach, ~~with respect to~~ for the regulated area designated in Subparagraph (3) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Surf City, ~~with respect to~~ for the regulated area designated in Subparagraph (5) of Paragraph (a) of this Rule are the designated as suitable agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0326 PAMLICO COUNTY

(a) Regulated Areas. This Rule applies to the following waters or portions of waters in Pamlico County:

- (1) ~~Silverthorn Bay~~ Silverthorn Bay off of Burton Creek; the waters of ~~Silverthorn Bay, a tributary of Bay~~ Burton Creek known as Silverthorn Bay, Lower Broad Creek; north of a line at a point on the east shore at 35.09531 N, 76.60791 W to a point on the west shore at 35.09572 N, 76.60883 W.
- (2) Minnesott Beach: the Minnesott Beach Yacht Basin and its access channel ~~inland from the shoreline~~ to extending 30 yards beyond the outermost ~~points of the~~ rock jetties in Neuse River.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Pamlico County is the designated ~~a~~ suitable agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0328 MARTIN COUNTY

- (a) Regulated Area. This Rule applies to those waters of Gardner's Creek located in Martin County.
- (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of the regulated area designated in Paragraph (a) of this Rule.
- (c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Martin County is the designated ~~a suitable~~ agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

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 at a point at 34.70187 N, 76.72938 W and ending at the west end of Money Island where Brooks Avenue dead ends ~~at the slough;~~ at a point at 34.70240 N 34.70235 N, 76.73277 W 76.73271 W;
- (2) the waters of ~~Taylor's~~ Taylor Creek in Beaufort, shore to shore from ~~where Taylor's Creek meets the~~ its intersection with the Newport River at the western end, to a line at the eastern end between a point on the north shore at 34.70762 N, 76.61784 W, south-southwest to the eastern tip of Carrot Island;
- (3) the waters of ~~Pelletier~~ Peletier Creek, beginning at the entrance to ~~Pelletier~~ Peletier Creek at the Intracoastal Waterway at a point at 34.72523 N 34.72543 N, 76.78042 W 76.78044 W and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound Harbor Channel in Morehead City, between ~~Sugar Leaf~~ Sugarloaf Island and the seawall on the south side of Evans, Shepard, and Shackelford Streets, ~~and bounded on~~ from the east ~~by~~ at the State Ports ~~Authority,~~ Authority, west ~~by the eastern right of way margin of South 13th Street extended;~~ to a point at 34.71829 N 34.71848 N, 76.72015 W at the southern end of South 13th Street;
- (5) the waters of ~~Gallant's~~ Gallants Channel, from the ~~US 70 crossing over the~~ U.S. 70 Grayden Paul ~~bridge~~ Bridge at a point at 34.72248 N, 76.66936 W, south to ~~Taylor's~~ Taylor ~~Creek;~~ Creek at a point at 34.71779 N 34.71775 N, 76.66963 W 76.66950 W;
- (6) the waters of Cedar Island Bay and ~~Harbor,~~ Harbor in the Town of Cedar Island, from N.C. Highway 12 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island south of Old Causeway Road;
- (8) the waters of the Newport River, ~~beginning at the north side of the Beaufort Drawbridge and ending from a point north of the US 70 Grayden Paul Bridge at 34.72265 N, 76.66930 W, north northwest to~~ at marker #6;
- (9) the waters of ~~Spooners~~ Spooner Creek ~~within the territorial limits of the Town of~~ in Morehead City ~~as delineated by appropriate markers;~~ City, north of a point where it enters the Intracoastal Waterway at 34.72512 N 34.72570 N, 76.80261 W 76.80294 W;
- (10) the waters of the Newport River at Bogue Sound, including all waters surrounding the Port of Morehead City to ~~Brandt~~ Goat Island as delineated by appropriate markers;
- (11) the waters of ~~Newport River, known as Morgans~~ Morgan ~~Creek, as delineated by appropriate markers;~~ west northwest of a point at the mouth at 34.71611 N, 76.67814 W;
- (12) 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;

- (13) the waters of the Newport River within 200 yards of the Newport River Beach Access Boat Ramp, beginning at the shore north of the U.S. 70 ~~Newport River bridge~~ Bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N, 76.68631 W;
 - (14) the waters of Palmetto Drive canal, a tributary to the White Oak River, beginning at a point on the western shore at 34.67903 N, 77.10142 W to a point on the eastern shore at 34.67899 N, 77.10098 W and extending the entire length of the canal; and
 - (15) ~~that~~ the portion of the canal at Dolphin Bay Estates, a tributary to the White Oak River, beginning 30 yards inside the entrance to the canal and extending the entire length of the canal.
- (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 of Markers. The following agencies ~~shall be designated as~~ are the suitable designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:
- (1) the Board of Commissioners of Carteret County, ~~with respect to~~ for the regulated areas designated in Subparagraphs ~~(a)~~(1), (3), (5), (6), (7), (8), (11), and (12) of Paragraph (a) of this Rule;
 - (2) the Board of Commissioners of the Town of Beaufort, ~~with respect to~~ for the regulated area designated in Subparagraph ~~(a)~~(2) of Paragraph (a) of this Rule;
 - (3) the Board of Commissioners of Morehead City, ~~with respect to~~ for ~~Subparagraph~~ Subparagraphs ~~(a)~~(4), (9), and (13) of Paragraph (a) of this Rule;
 - (4) the North Carolina State Ports Authority, ~~with respect to~~ for the regulated area designated in Subparagraph ~~(a)~~(10) of Paragraph (a) of this Rule; and
 - (5) the Board of Commissioners of the Town of Cedar Point ~~with respect to~~ for the regulated areas designated in Subparagraphs ~~(a)~~(14) and (15) of Paragraph (a) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0331 WAKE COUNTY

- (a) Regulated Area. This Rule applies to the waters of Lake Wheeler located in Wake County.
- (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of the regulated area designated in Paragraph (a) of this Rule.
- (c) Placement ~~and Maintenance~~ of Markers. The Raleigh City Council is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0334 GUILFORD COUNTY

(a) Regulated Area. This Rule applies to the waters of Oak Hollow ~~Lake (High Point Reservoir)~~ Lake, also known as High Point Reservoir, in Guilford County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no wake speed within 50 yards of any public boat launching ramp.

(c) Speed Limit Near Piers. No person shall operate a vessel at greater than no-wake speed within 50 yards of any pier operated by the City of High Point for public use.

(d) Placement ~~and Maintenance~~ of Markers. The City Council of High Point is the designated ~~as a suitable~~ agency for placement ~~and maintenance~~ of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0337 FRANKLIN COUNTY

- (a) Regulated Area. This Rule applies only to Lake Royale in Franklin County.
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of Lake Royale in Franklin County.
- (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area established with the approval of the Executive Director, or his representative, on the waters of Lake Royale in Franklin County.
- (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Executive Director, or his representative, on the waters of Lake Royale in Franklin County.
- (e) Placement and Maintenance of Markers. The Board of Commissioners of Franklin County is the designated ~~a~~ suitable agency 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. With regard to marking Lake Royale, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.~~ Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0348 PERSON COUNTY

- (a) Regulated Area. This Rule applies to the Mayo Electric Generating Plant Reservoir, otherwise known as Mayo Reservoir, ~~which is located~~ in Person County.
- (b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a ~~motorboat or~~ vessel in any restricted zone which is marked to prevent entry by boats.
- (c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.
- (d) Speed Limit. Except as provided in Paragraph (e) of this Rule, no person shall operate a vessel at greater than no-wake speed within 50 yards of any marked bridge, boat launching ramp, pier, boat storage structure, or boat service area on the regulated area described in Paragraph (a) of this Rule.
- (e) Skiing. Except to leave or return to the shore or a boat launching ramp, no skiing is permitted within any speed zone described in Paragraph (d) of this Rule. In leaving or returning to the shore or boat ramp, all vessels pulling skiers shall be operated on a course perpendicular to the shore line. ~~Upon dropping skiers within any such speed zone, the boat speed shall be reduced to no-wake speed. Upon returning, all vessels pulling skiers shall reduce to no-wake speed when the skiers have entered the restricted area.~~
- (f) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.
- (g) Boating Access. No vessel shall be placed on the regulated area described in Paragraph (a) of this Rule from any point other than the ~~boat launching ramp~~ Triple Springs Boating Access Area ~~provided~~ on SR 1515.
- (h) No Wake Zone. No person shall operate a vessel at greater than no wake speed within the waters of the channel on Mayo Reservoir beginning north of the Triple Springs Boating Access Area, shore to shore from ~~36.48051 N~~ 36.48054 N, 78.87763 W 78.87754 W to ~~36.47994 N~~ 36.47992 N, 78.87963 W 78.87972 W, southward ending at an area below the Mayo Park ADA Fishing Pier shore to shore from ~~36.47753 N~~ 36.48054 N, 78.87681 W 78.87754 W to ~~36.4772 N~~ 36.47718 N, 78.87828 W 78.87836 W.
- (i) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Person County is the designated a ~~suitable~~ agency for placement ~~and maintenance~~ of markers implementing this Rule. ~~Provided the said board exercises its supervisory responsibility, it may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated area described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.~~

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0351 NEW BERN

(a) Regulated Area. This Rule applies to that part of the Trent River that is located within the city limits of New Bern in Craven County.

(b) Speed Limit. No person shall operate any vessel at greater than no-wake speed on the Trent River between the Trent River Railroad Bridge and the ~~Alfred A. Cunningham Highway (old US 70) Bridge~~ Trent River Bridge on East Front Street ~~in the City of New Bern.~~

(c) Placement ~~and Maintenance~~ of Markers. The Board of Alderman of the City of New Bern is the designated a ~~suitable~~ agency 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.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0352 CAMDEN COUNTY

(a) Regulated Areas. This Rule applies to the waters described below:

- (1) The waters of Edgewater Canal, beginning at a point at 36.17539 N, 75.97945 W, running parallel with and along the south shore of Camden Point in Camden County and the connecting channels to Albemarle Sound; Sound in Camden County;
- (2) That the portion of Turner's Turners Cut (South Mills Shore Canal) Cut, otherwise known as South Mills Shore Canal, for a distance of approximately 1000 feet, south of a line from a point on the east shore at 36.41129 N, 76.30598 W to a point on the west shore at 36.41096 N, 76.30654 W and north of a line from a point on the east shore at 36.40912 N, 76.30402 W to a point on the west shore at 36.40880 N, 76.30462 W;
- (3) ~~The~~ the canals of Whitehall Shores subdivision on the Pasquotank River; and
- (4) ~~The~~ the cove south of Sawyers Creek on the east side of the Pasquotank River in the town of Camden, east of a line from a point on the north shore at ~~36.32383 N~~ 36.32353 N, 76.18087 W 76.18054 W to a point on the south shore at 36.32254 N, 76.18017 W.

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

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Camden County is the designated a ~~suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule applies to the waters described in this Paragraph:

- (1) ~~The entire inlet~~The waters of Tar River, known as Hardee Creek, shore to shore, west of a line at its intersection confluence with the main course of Tar River from a point on the north shore at ~~35.59872 N~~ 35.59878 N, ~~77.31165 W~~ 77.31168 W to a point on the south shore at ~~35.59821 N~~ 35.59813 N, ~~77.31150 W~~ 77.31157 W; ~~from the Tar River in Pitt County;~~ and
- (2) ~~that~~ the portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W.

(b) Speed Limit. No person shall operate a ~~motorboat or~~ vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Pitt County is the designated ~~a suitable~~ agency for placement and maintenance of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. May 1, 1988;

Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

15A NCAC 10F .0355 PERQUIMANS COUNTY

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

- (1) Perquimans River:
 - (A) The canals of Holiday Island subdivision at Albemarle Sound; and
 - (B) Town of Hertford: ~~that~~ the part of the Perquimans River beginning 75 yards northeast of the Perquimans River Bridge (Hertford S-shaped Bridge) parallel to the bridge, shore to shore, and ending approximately 550 yards southwest, at a line from a point on the north shore ~~36.19300 N~~ 36.19305 N, 76.46962 W 76.46957 W to a point on the south shore 36.19150 N, 76.47099 W.
- (2) Yeopim River:
 - (A) The canal ~~entrance~~ between Navaho Trail and Cherokee Trail beginning at a point at ~~36.07895 N~~ 36.07893 N, 76.42278 W;
 - (B) ~~The~~ the canal ~~entrance~~ between Cherokee Trail and Ashe Street beginning at a point at ~~36.07863 N~~ 36.07865 N, 76.42605 W 76.42603 W;
 - (C) ~~The~~ within 50 yards of the boat ramp at Ashe and Pine Street;
 - (D) ~~The~~ the canal ~~entrance~~ between Pine Street and Linden Street beginning at a point at ~~36.07947 N~~ 36.07951 N, 76.43404 W 76.43402 W;
 - (E) ~~The~~ the canal ~~entrance and boat ramp~~ between Willow Street and Evergreen Drive beginning at a point at ~~36.08007 N~~ 36.08005 N, 76.43737 W 76.43735 W;
 - (F) ~~The~~ the canal ~~entrance~~ between Sago Street and Alder Street beginning at a point at 36.07986 N, 76.44063 W; and
 - (G) ~~The swimming area at the Snug Harbor Park and Beach; and~~
 - (H) (G) Bethel Creek north of a line from a point on the west shore at ~~36.09552 N~~ 36.09566 N, 76.47958 W 76.47928 W to a point on the east shore at ~~36.095517 N~~ 36.09534 N, 76.47735 W 76.47738 W to a line from a point on the west shore at 36.10532 N, 76.48080 W to a point on the east shore at 36.10516 N, 76.48047 W.
- (3) Yeopim Creek:
 - (A) The canal ~~entrance~~ between Mohave Trail and Iowa Trail beginning at a point at 36.08521 N, 76.41802 W;
 - (B) ~~The~~ the canal ~~entrance~~ between Iowa Trail and Shawnee Trail beginning at a point at 36.08511 N, 76.41763 W;
 - (C) ~~The~~ the area within 75 yards of the Albemarle Plantation Marina Piers;
 - (D) ~~The~~ the area of the cove known as Beaver Cove, ~~as delineated by appropriate markers~~ shore to shore beginning at a point at 36.08767 N, 76.42151 W; and
 - (E) ~~The~~ the waters of Yeopim Creek adjacent to Heritage Shores North, shore to shore, east of a line from a point on the north shore at 36.11356 N, 76.43138 W to a point on the south

shore at 36.11288 N, 76.43173 W, to a line northwest from a point on the east shore at 36.11219 N, 76.42445 W to a point on the west shore at 36.11178 N, 76.42596 W.

- (4) Little River: The entrance to the cove known as "~~Muddy Gut Canal,~~" Muddy Gut Canal which extends from the waters known as "~~Deep Creek,~~" Deep Creek, shore to shore beginning at a line from a point on the east shore at 36.17729 N, 76.28011 W to a point on the west shore at 36.17667 N, 76.28331 W.

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

(c) Swimming Area. No person operating or responsible for the operation of any vessel shall permit it to enter the swimming area at the Snug Harbor Park and Beach on the Yeopim River.

(~~e~~) (d) Placement of Markers. The Board of Commissioners of Perquimans County is the designated ~~a suitable agency~~ for placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0356 PASQUOTANK COUNTY

- (a) Regulated Area. This area applies to the canals of the Glen Cove Subdivision in Pasquotank County.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed while on the waters of the regulated area designated in Paragraph (a) of this Rule.
- (c) Placement ~~and Maintenance~~ of Markers. The Board of County Commissioners of Pasquotank County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this ~~Rule. Rule, subject to~~ the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0361 WILKES COUNTY

(a) Regulated Area. This Rule applies to those waters within 50 yards of any marked boat launching area, bridge, dock, pier, marina, boat storage structure, or boat service area located on W. Kerr Scott Reservoir ~~located~~ in Wilkes County.

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

(c) Placement and Maintenance of Markers. The Wilkes County Board of Commissioners is the designated ~~a suitable~~ agency for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0363 CASWELL AND PERSON COUNTIES

(a) Regulated Areas. This Rule applies ~~only on that portion of~~ to the waters of Hyco Lake ~~which lies within the boundaries of in~~ Caswell and Person Counties counties, ~~and to the restricted zones indicated by Paragraphs (b) and (c) of this Rule on such waters.~~

(b) Speed Limit Near Bridges. No person shall operate a vessel at greater than no-wake speed ~~limit~~ within 50 yards of any ~~bridges crossing over~~ bridge that crosses the waters of Hyco Lake.

(c) Speed Limit in Canals. No person shall operate a vessel at greater than no-wake speed ~~limit~~ within any canals ~~connected to~~ on Hyco Lake.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Caswell and Person Counties are the ~~hereby~~ designated ~~as suitable~~ agencies for placement ~~and maintenance~~ of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0364 GREENSBORO

(a) Regulated Area. This Rule applies to the waters of Lake Brandt, Lake Higgins, ~~Lake Townsend and Lake Townsend, otherwise known as Greensboro Municipal Reservoirs, (Greensboro Municipal Reservoirs)~~ within the city limits of Greensboro in Guilford County.

(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within 50 yards of any marked public boat launching ramp, bridge, dock, marina, boat storage structure, boat service area or pier operated by the City of Greensboro for public use.

(c) Restricted Zones. No person operating or responsible for the operation of any vessel shall permit ~~the same~~ it to enter any restricted zone marked to prevent entry by vessels.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Guilford County is the designated-a ~~suitable~~ agency for placement ~~and maintenance~~ of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0365 TYRRELL COUNTY

(a) Regulated Area. This Rule applies to the following waters in Tyrrell County:

- (1) ~~That the~~ portion of the Scuppernong River from 300 yards ~~west~~ north-northwest of the ~~Highway 64~~ U.S. Highway 64 bridge to 100 yards ~~east~~ south-southwest of the ~~Highway 64 bridge as designated by the appropriate markers.~~ U.S. Highway 64 bridge.
- (2) ~~That the~~ portion of the Scuppernong River from the point where the canal to the Columbia Boat Ramp Boating Access Areas intersects the river, and extending 200 feet into the river as designated by the appropriate markers. ~~river.~~
- (3) ~~The entire the~~ waters of the canal that leads to the marina at Taylor's Beach on Albemarle Sound in Columbia, beginning at a point at 35.95559 N, 76.30219 W.

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

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Tyrrell County is the ~~designated as the suitable~~ agency for the placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

15A NCAC 10F .0368 TOWN OF NAGS HEAD

- (a) Regulated Area. This Rule applies to the waters of the Roanoke Sound extending 600 feet from the shoreline; ~~adjacent to and from~~ the northern boundary of the Old Nags Head Cove Subdivision at a point at ~~35.95132 N 35.95136 N, 75.63238 W 75.63233 W~~ to the southern boundary of the Old Nags Head Cove Subdivision at a point at ~~35.93670 N 35.93676 N, 75.62228 W 75.62223 W~~ and marked by buoys.
- (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule.
- (c) Placement ~~and Maintenance~~ of Markers. The Town of Nags Head is the designated a suitable agency for placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval of the United States Coast Guard and United States Army of Corps of Engineers.

History Note: Authority G.S. 71A-15; 72A-3;

15A NCAC 10F .0370 CITY OF ROCKY MOUNT

(a) Regulated Areas. This Rule applies to the waters ~~of the Tar River shore to shore, beginning 100 yards upstream from at the North Carolina SR-43 N.C. Highway Bridge, also known as the Bridge on Peachtree Street Bridge, Street, eastward 100 yards and ending at to the edge of the Rocky Mount Mill Dam. -on the Tar River.~~

(b) Swimming or boating. No swimming or other entry of a person in or upon a boat, raft or other floating object shall be permitted within the ~~exclusion~~ exclusionary zone established in Paragraph (a) of this Rule.

(c) Paragraph (b) of this Rule shall not apply to persons who, with consent of the City of Rocky Mount, require access for ~~the purpose of~~ maintaining or repairing facilities associated with the Rocky Mount Mill Dam or the Rocky Mount Mill.

(d) Placement ~~and Maintenance~~ of Markers. The City of Rocky Mount is designated as ~~the a suitable~~ entity for placement ~~and maintenance~~ of buoys and other signs indicating the areas in which boating and swimming are prohibited by this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

**15A NCAC 10F .0374 ~~ALCOA POWER GENERATING INC. CUBE YADKIN GENERATION SAFETY~~
ZONES**

(a) Regulated Area. This Rule applies to the area one hundred feet upstream or downstream from the stations and ~~dams (and dams,~~ associated structures, abutments and equipment ~~of these at the following stations and dams)-listed in Paragraph (f) of this Rule.~~ stations:

(1) Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery Counties;

(2) High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson Counties.

(b) Fishing. Except as otherwise provided in this Paragraph or in Paragraph (c) of this Rule, no person may enter the waters within the regulated areas described in Paragraph (a) of this ~~Rule.~~ Persons Rule, except persons engaged in fishing within the regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing activities provided that they shall wear at all times a U.S. Coast Guard approved personal ~~floatation~~ flotation device in serviceable condition and of appropriate size for the wearer.

(c) Boating. Any person in or upon a boat, raft or other floating object that enters into the regulated areas described in Paragraph (a) of this Rule shall wear at all times a U.S. Coast Guard approved personal ~~floatation~~ flotation device in serviceable condition and of appropriate size for the wearer.

(d) No vessel may tie off to any part of the hydroelectric station structure or the accessory portions thereof within regulated areas described in Paragraph (a) of this Rule, or ~~to~~ anchor or otherwise secure a vessel in these areas.

~~(d)~~ Paragraph ~~(e)~~ (d) of this Rule does not apply to persons who enter with consent of ~~Alcoa Power Generating, Inc. Cube Yadkin Generation~~ for the purpose of maintaining, repairing or evaluating facilities of ~~Alcoa Power Generating, Inc.; Cube Yadkin Generation;~~ law enforcement or emergency personnel; or ~~NC N.C.~~ state employees acting in an official capacity.

~~(e)~~ Placement and Maintenance of Markers. ~~Alcoa Power Generating, Inc. Cube Yadkin Generation~~ is the designated as a suitable entity for placement and maintenance of buoys and other signs implementing this Rule.

~~(f)~~ ~~Alcoa Power Generating Inc., hydroelectric stations affected by this Rule:~~

(1) ~~Narrows Hydroelectric Station in Yadkin River in Stanly and Montgomery Counties;~~

(2) ~~High Rock Hydroelectric Station in Yadkin River in Rowan and Davidson Counties.~~

History Note: Authority G.S. 75A-3; 75A-15;

Exhibit H

August 23, 2017

Rule10B Comments Report For 2017

Report Date: 08/07/2017

Reg	District	Type	Position	Comment	Agency Response	County	Name
10B .0219	District 4	Online	Regulation Comment	I've been hunting predators for over 20 years now and have gotten into nighttime hunting on private property the past 3 years. I've invested heavily in the proper equipment to include both night vision and thermal optics. I've had an awesome time and have been waiting for the opportunity to hunt the game lands at night for coyotes. My thought has been that only serious predator hunters would apply for the appropriate permit to do this, AND I AM ONE OF THEM!!!! Thank you so much for this opportunity. I have a couple of friends who are into night coyote hunting just as much as me and I'm sure they would jump at the chance to do it on public land.	The agency determined this rule to be necessary with substantive public interest. The comment pertains to the Rule and does not change the agency's determination.	Scotland	GREGORY JR, WILLIAM I
10B .0223	District 4	Online	Regulation Comment	I've been hunting feral hogs the past 6-7 years at night time on private property and have harvested several very large boars. The private land I hunt is bordered by game lands and I'd very much appreciate the opportunity to hunt them at night, upon receiving the appropriate permit. Thank you for this chance to expand my hog hunting grounds!	The agency determined this rule to be necessary with substantive public interest. The comment pertains to the Rule and does not change the agency's determination.	Scotland	GREGORY JR, WILLIAM I

Exhibit I

August 23, 2017

G.S. 150B-21.3A Report for 15A NCAC 10B, HUNTING AND TRAPPING									
Agency - Wildlife Resources Commission									
Comment Period - Filled in by Agency									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 - GENERAL REGULATIONS	15A NCAC 10B .0101	IMPORTATION OF WILD ANIMALS AND BIRDS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0102	IMPORTATION OF GRAY FOXES	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0105	MIGRATORY GAME BIRDS	Amended Eff. August 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	50 CFR Part 20	No	Necessary with substantive public interest
		15A NCAC 10B .0106	WILDLIFE TAKEN FOR DEPREDATIONS	Amended Eff. December 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0107	BLACK BEAR	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0109	CHASING DEER BY DOGS IN CERTAIN COUNTIES	Amended Eff. July 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0110	ATTENDANCE OF TRAPS	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0111	RESTRICTIONS ON RACCOON AND OPOSSUM HUNTING	Amended Eff. August 1, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0113	BIG GAME KILL REPORTS	Amended Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0114	DOG TRAINING AND FIELD TRIALS	Amended Eff. May 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0115	SHINING LIGHTS IN DEER AREAS	Amended Eff. July 18, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0116	PERMITTED ARCHERY EQUIPMENT	Amended Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0117	REPLACEMENT COSTS OF WILDLIFE RESOURCES	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0118	SALE OF WILDLIFE	Amended Eff. May 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0119	WILDLIFE COLLECTORS	Amended Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0120	TAKING DEER AND BEAR WITH HANDGUNS	Amended Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0121	WILD BIRDS DEFINED	Amended Eff. August 1, 2010	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	50 CFR 10.13	No	Necessary with substantive public interest
		15A NCAC 10B .0122	PROHIBITED HUNTING ON STATE FISH HATCHERIES	Eff. September 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0123	POSSESSION OF CERTAIN SPECIES OF WILDLIFE RESOURCES	Amended Eff. April 1, 1997	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0124	IMPORTATION OF ANIMAL PARTS	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0125	RELEASE OF MUTE SWANS	Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0126	STATE HUNTING LICENSE EXEMPTIONS	Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest

G.S. 150B-21.3A Report for 15A NCAC 10B, HUNTING AND TRAPPING

Agency - Wildlife Resources Commission

Comment Period - Filled in by Agency

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		15A NCAC 10B .0127	POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD	Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0200 - HUNTING	15A NCAC 10B .0201	PROHIBITED TAKING AND MANNER OF TAKE	Amended Eff. May 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0202	BEAR	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0203	DEER (WHITE-TAILED)	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0205	RACCOON AND OPOSSUM	Amended Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0206	SQUIRRELS	Amended Eff. August 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0207	RABBITS	Amended Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0208	QUAIL	Amended Eff. July 18, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0209	WILD TURKEY	Amended Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0210	RUFFED GROUSE (NATIVE PHEASANT)	Amended Eff. July 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0211	PHEASANT (NONNATIVE VARIETIES)	Amended Eff. July 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0212	FOXES (GRAY AND RED)	Amended Eff. May 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0213	GROUNDHOG	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0214	WILDCAT (BOBCAT)	Amended Eff. July 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0215	CROWS	Amended Eff. January 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	50 CFR Part 20	No	Necessary with substantive public interest
		15A NCAC 10B .0216	FALCONRY	Amended Eff. August 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	Title 50 § 21.29	No	Necessary with substantive public interest
		15A NCAC 10B .0217	PISTOL SEASONS	Eff. August 1, 1980	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0219	COYOTE	Amended Eff. July 1, 2016	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		15A NCAC 10B .0220	NUTRIA	Eff. July 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0221	STRIPED SKUNK	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0222	ARMADILLO	Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0223	FERAL SWINE	Amended Eff. August 1, 2015	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		15A NCAC 10B .0225	ELK	Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest

G.S. 150B-21.3A Report for 15A NCAC 10B, HUNTING AND TRAPPING

Agency - Wildlife Resources Commission

Comment Period - Filled in by Agency

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0300 - TRAPPING	15A NCAC 10B .0301	DEFINITIONS	Eff. January 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0302	PROHIBITED TAKING	Recodified from Rule 10B .0301 Eff. January 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0303	OPEN SEASONS	Amended Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0304	BAG LIMITS	Amended Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0305	TRAPS	Amended Eff. January 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0400 - TAGGING FURS	15A NCAC 10B .0401	DEFINITIONS	Amended Eff. January 1, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0402	TAGGING FURS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15a ncac 10b .0403	APPLICATION FOR TAGS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0404	TRAPPERS AND HUNTERS	Amended Eff. August 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0405	FUR DEALERS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0406	MISUSE OF TAGS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10B .0409	SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING PRESERVES	Amended Eff. July 10, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest

Exhibit J

August 23, 2017

G.S. 150B-21.3A Report for 15A NCAC 10C, INLAND FISHING REGULATIONS									
Agency - Wildlife Resources Commission/Marine Fisheries Commission									
Comment Period - Filled in by Agency									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS	15A NCAC 10C .0101	SCOPE AND PURPOSE	Amended Eff. January 1, 1977	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0102	INLAND FISHING WATERS	Amended Eff. January 1, 1977	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0103	COASTAL FISHING WATERS	Amended Eff. July 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0104	JOINT FISHING WATERS	Amended Eff. January 1, 1977	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0105	POSTING DIVIDING LINES	Eff. January 1, 1977	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0106	APPLICABILITY OF REGULATIONS: JOINT WATERS	Amended Eff. April 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0107	SPECIAL REGULATIONS: JOINT WATERS	Amended Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0108	SPECIFIC CLASSIFICATION OF WATERS	Amended Eff. July 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0109	PROTECTION OF SEA TURTLES	Amended Eff. April 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0110	MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS	Amended Eff. June 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0111	IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING	Amended Eff. June 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0200 - GENERAL REGULATIONS	15A NCAC 10C .0201	IDENTIFICATION	Eff. February 1, 1976	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0203	RECIPROCAL LICENSE AGREEMENTS	Amended Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0205	PUBLIC MOUNTAIN TROUT WATERS	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0206	TROT LINES, JUG HOOKS AND SET HOOKS	Amended Eff. August 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0208	SPAWNING AREAS	Amended Eff. May 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0209	TRANSPORTATION OF LIVE FISH	Amended Eff. June 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest

G.S. 150B-21.3A Report for 15A NCAC 10C, INLAND FISHING REGULATIONS

Agency - Wildlife Resources Commission/Marine Fisheries Commission

Comment Period - Filled in by Agency

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		15A NCAC 10C .0211	POSSESSION OF CERTAIN FISHES	Amended Eff. August 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0212	FISH HATCHERIES	Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003)	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0213	SNAGGING FISH	Amended Eff. July 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0214	FISH COLLECTORS	Eff. January 1, 1981	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0215	REPLACEMENT COSTS OF WILDLIFE RESOURCES - FISH	Eff. December 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0216	STATE INLAND FISHING LICENSE EXEMPTIONS	Amended Eff. June 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0217	PUBLIC ACCESS FOR ANGLERS ONLY	Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0300 - GAME FISH	15A NCAC 10C .0301	INLAND GAME FISHES DESIGNATED	Amended Eff. June 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0302	MANNER OF TAKING INLAND GAME FISHES	Amended Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0304	TAKING AND POSSESSION OF INLAND GAME FISHES	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0305	BLACK BASS	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0306	CRAPPIE	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0307	FLOUNDER, SEA TROUT, AND RED DRUM	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0308	KOKANEE SALMON	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0309	MUSKELLUNGE	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0310	PICKEREL	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0311	ROANOKE AND ROCK BASS	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0312	SAUGER	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0313	SHAD (AMERICAN AND HICKORY)	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0314	STRIPED BASS (EFFECTIVE AUGUST 1, 2016)	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0315	SUNFISH	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0316	TROUT	Amended Eff. August 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest

G.S. 150B-21.3A Report for 15A NCAC 10C, INLAND FISHING REGULATIONS

Agency - Wildlife Resources Commission/Marine Fisheries Commission

Comment Period - Filled in by Agency

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		15A NCAC 10C .0317	WALLEYE	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0318	WHITE BASS	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0319	WHITE PERCH (EFFECTIVE AUGUST 1, 2016)	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0320	YELLOW PERCH	Eff. November 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS	15A NCAC 10C .0401	MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0402	TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION	Amended Eff. August 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0404	SPECIAL DEVICES	Amended Eff. August 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0405	POSSESSION OF LICENSES	Amended Eff. April 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0406	TRAWLS AND DREDGES	Amended Eff. July 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0407	PERMITTED SPECIAL DEVICES AND OPEN SEASONS	Amended Eff. August 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0500 – PRIMARY NURSERY AREAS	15A NCAC 10C .0501	SCOPE AND PURPOSE	Amended Eff. July 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0502	PRIMARY NURSERY AREAS DEFINED	Amended Eff. July 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0503	DESCRIPTIVE BOUNDARIES	Amended Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0600 - ANADROMOUS FISH SPAWNING AREAS	15A NCAC 10C .0601	SCOPE AND PURPOSE	Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0602	ANADROMOUS FISH SPAWNING areas DEFINED	Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 10C .0603	DESCRIPTIVE BOUNDARIES	Eff. May 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest

Exhibit K-1

August 23, 2017

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Marine Fisheries Commission	15A NCAC 03Q .0105	POSTING DIVIDING LINES	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Do I agree with the Agency's determination? No. I would determine this rule's classification as: Unnecessary. Do I want to submit a written comment on this rule? No.	The agency determined the rule to be necessary with substantive public interest. The commenter did not provide a reason to consider changing the determination.

Exhibit K-2

August 23, 2017

G.S. 150B-21.3A Report for 15A NCAC 03Q, JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS									
Agency - Marine Fisheries Commission/Wildlife Resources Commission									
Comment Period - Filled in by Agency									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 03Q - JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS	SECTION .0100 - GENERAL REGULATIONS: JOINT	15A NCAC 03Q .0101	SCOPE AND PURPOSE	Eff. January 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0102	INLAND FISHING WATERS	Eff. January 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0103	COASTAL FISHING WATERS	Eff. January 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0104	JOINT FISHING WATERS	Eff. January 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0105	POSTING DIVIDING LINES	Eff. January 1, 1991	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		15A NCAC 03Q .0106	APPLICABILITY OF RULES: JOINT WATERS	Amended Eff. July 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0107	SPECIAL REGULATIONS: JOINT WATERS	Amended Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0108	MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN JOINT WATERS	Amended Eff. October 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 03Q .0109	IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING	Amended Eff. October 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest

Exhibit L

August 23, 2017



SCHEDULE FOR THE JANUARY 2018 PUBLIC HEARINGS FOR PROPOSED CHANGES IN WILDLIFE, FISHERIES, AND GAME LAND MANAGEMENT RULES

HEARING TIME: 7:00 p.m.

DATE	DISTRICT	CITY	LOCATION
January 9, 2018 (Tuesday)	4	Dublin	<i>Bladen Community College</i>
January 10, 2018 (Wednesday)	5	Graham	<i>Old Alamance County CTHS</i>
January 11, 2018 (Thursday)	6	Albemarle	<i>Stanly Co Agri-Civic Center</i>
January 16, 2018 (Tuesday)	9	Clyde	<i>Haywood CC</i>
January 17, 2018 (Wednesday)	8	Morganton	<i>Western Piedmont CC</i>
January 18, 2018 (Thursday)	7	Elkin	<i>Elkin HS</i>
January 23, 2018 (Tuesday)	1	Edenton	<i>Chowan Co. Public Safety Ctr</i>
January 24, 2018 (Wednesday)	2	New Bern	<i>Craven Community College</i>
January 25, 2018 (Thursday)	3	Rocky Mount	<i>Nash Community College</i>