



## **AGENDA**

**N.C. WILDLIFE RESOURCES COMMISSION  
SPECIAL ELECTRONIC MEETING  
Wednesday, March 18, 2015  
1751 Varsity Drive  
NCWRC Conference Room, 5<sup>th</sup> Floor  
Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman Jim Cogdell*

**ROLL CALL OF COMMISSIONERS PRESENT BY TELEPHONE CONFERENCE** –  
*Betsy Haywood, Executive Officer*

**ANNOUNCEMENT OF VISITORS AND STAFF PRESENT** – *Betsy Haywood*

**ELECTRONIC MEETINGS** – North Carolina General Statute 143-318.13 mandates that if a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A public body may not vote by secret or written ballot. The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon.  
*Chairman Jim Cogdell*

**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 Cogdell*

**TEMPORARY RULEMAKING**

**Review of Public Comments and Readoption of Temporary No Wake Zones, Lake Wylie** – Due to a technical correction by Office of Administrative Hearings staff, review public comments and consider recommendation to readopt temporary rulemaking for two proposed no wake zones on Lake Wylie in Gaston and Mecklenburg counties – Erica Garner, *Rules Coordinator* (**EXHIBITS A-1, A-2**)

**PERMANENT RULEMAKING**

**Summary of Public Comments and Permanent Rule Adoption for Coyote Hunting and Taking Depredating Coyotes in Five Counties, and for Designating Red Wolf as State-Listed Threatened Species** – Receive summary of public comments and consider for adoption proposed permanent rules for coyote hunting and taking depredating coyotes in Dare, Tyrrell, Hyde, Beaufort, and Washington counties; and for designating the red wolf as a state-listed threatened species – Erica Garner (**EXHIBITS B-1, B-2**)

**LEGISLATIVE UPDATE** – *Gordon Myers, Executive Director*

**COMMENTS BY THE CHAIRMAN** – *Chairman Cogdell*

**COMMENTS BY THE EXECUTIVE DIRECTOR** – *Executive Director Gordon Myers*

**ADJOURN**

# EXHIBIT A-1

March 18, 2015



## Temporary Rule-making for No-wake Zones on Lake Wylie, Gaston and Mecklenburg counties

### Summary of Comments

One public hearing was held in Charlotte, N.C. on February 19, 2015. Fourteen people completed comment cards at that meeting, five in support of the proposed no-wake zones and five opposed. The other four attendees did not indicate a position.

No other comments were received.

**In addition to the individual comments tallied, the Commission received the following letters representing organizations:**

- 1) Supports the proposed no-wake zones on Lake Wylie.  
U.S. National Whitewater Center submitted by Trey Knight, Kayak Program Manager
- 2) Opposed to the proposed no-wake zones on Lake Wylie in their current form.  
Catawba River Group, signed by Tom Davis and Joe Phillips, spokesmen
- 3) Supports the proposed no-wake zones on Lake Wylie.  
American Canoe Association, submitted by Dave Bruden, Policy Chief

**March 5, 2015**

**Temporary Rule-making for No-wake Zones on Lake Wylie, Gaston and Mecklenburg counties**

**Summary of Comments**

One public hearing was held in Charlotte, N.C. on February 19, 2015. Fourteen people completed comment cards at that meeting, five in support of the proposed no-wake zones and five opposed. The other four attendees did not indicate a position.

**Support:**

- 1) "I support these no wake zones."
- 2) "My upmost concern is for the safety of everyone in boats and on boards and kayaks. Fully support. You can't regulate common sense."
- 3) "I concur with the permanent amendment to 15A NCAC 10F. 0333 to establish the no-wake zones on both sides of Sadler Island. Safety trumps any inconvenience. The power boaters may have to endure by slowing down for a few minutes while transiting the area. The Wildlife Commission officers handled the questions very professionally, clearly, and calmly. 'We never had to do that before,' is a bad answer. Times have changed and the no wake zones accommodate that change. The position that the area is being 'shut down' is spurious."
- 4) "I support the No Wake Zones."
- 5) "I support the No Wake Restrictions."

**Opposed:**

- 1) "We need to settle this thing fairly."
- 2) "Need to modify no wake zones to accommodate thru traffic; need to codify [APA] rules for non-motorized craft; need to require vendors to communicate [APA] rules to customers."
- 3) "Vendors need to be held responsible for their clients – that responsibility cannot be released via waiver. Violations & incidents should be shared between the individual and the vendor with the vendor having the greater financial burdens."
- 4) "Need a fair plan to boaters, local residents and businesses that rent kayaks on the river. Safety & training and boaters rights need to be considered. Tax & license kayaks for rent to fund the cost to manage kayak areas. Limit the amount of kayaks to rental facilities to cap the congestion on the river."
- 5) "I do not agree with imposing the proposed wake zones."

**No Opinion:**

- 1) "No Opinion"
- 2) 3 blank cards

USNWC Comment RE: NC Wildlife Resources Commission Rule Making on the Catawba River at Sadler Island

The U.S. National Whitewater Center's mission is to build stronger communities by providing healthy and active lifestyles, developing environmental stewardship, and encouraging family and civic interaction. The Catawba River plays a vital role in this mission as it provides a direct connection to an invaluable public natural recreational resource. Recreational paddling is one of the fastest growing sports in the country today, as millions of Americans are discovering how to live a healthy, active lifestyle by integrating paddling into their life. By connecting with the river, as families and communities, people are more willing to be stewards of the river and the greater natural environment. Through the connection and joy of paddling on a river, people's tie to that public natural resource is strengthened and through this their resolve to protect and care for the environment is also strengthened.

The U.S. National Whitewater Center is in favor of the North Carolina Wildlife Resource Commission's temporary and subsequent permanent rulemaking to install no-wake zones on either side of Sadler Island on the Catawba River. The growth of human powered recreation on the Catawba River has allowed for many people to enjoy this public natural resource and by having these no-wakes zones the environment in which they have chosen to recreate will be even more conducive for users of human powered watercraft. This environment will allow for these users to continue enjoying a healthy and active lifestyle that will connect them to the environment strengthening their environmental stewardship and awareness. The most effective way to care for a natural resource is to have more people engage in the issues around that resource, and there are few ways that connect a person to the environment as does paddlesports.

# The Catawba River Group Position Paper

## No-Wake Zones Whitewater Center & Tailrace Marina

February 14, 2015

**Re: NC Wildlife Public Hearing - No Wake Zone @ Cook's Memorial Church Fellowship Hall, 7 PM, Thursday, February 19, 2015**

### Background:

On June 23, 2014 the Lake Wylie Marine Commission approved a recommendation to NC Wildlife Commission to make *the wide channel in front of Tailrace Marina and the full length of Sadler Island a no wake zone and direct power boaters into the canal beside Sadler Island which is adjacent to the Whitewater rental dock.*

In response the Catawba River Group recommended:

Placing two (2) no wake buoys north and south of the Tailrace Marina ONLY reducing the no wake zone transition to approximately 6 minutes.

Educate customers of kayak vendors (Tailrace Marina and Whitewater Center) by posting signs at the wide channel.

Vendors provide to kayak renters the American Canoe Association literature on safe operating procedures with emphasis on crossing the main channel at a 90 angle and staying right or left in the channel with no loitering in the middle of the river.

### Current Status:

The NC Wildlife Commission is recommending the entire narrow channel east of Sadler Island be a no wake zone in front of the Whitewater Center. The NC Wildlife accepted the recommendation of the Catawba River Group to limit the no wake zone directly in front of the Tailrace Marina. This addition in turn invokes a no wake zone for the entire width of the river.

### Changes:

On Dec 14, 2014 the Whitewater Center advised the LWMC of their intent to expand their existing dock that will encompass 1/3 of the narrow waterway approaching Sadler Island. The Whitewater Center is also requesting authority to pump 792 thousand gallons of water daily out of the river because they do not want to pay a water bill (to the city). This action contradicts the original promise of the Whitewater Center of "*no impact on the river*", as the dock expansion will only generate more kayak rentals and associated congestion to the main body of water.

**RECOMMENDATION Addendum:**

The shoreline between Whitewater Center and Tailrace Marina measures 1400 feet. The Catawba River Group recommends this section of the river be divided evenly, three ways with the center or wide part of the river dedicated to power boaters/fishermen "year round" and a speed limit be established at no more than 20 mph with prominent signs posted on the north and south end of Sadler Island.

No wake buoys can be anchored approx 400 feet off each shoreline to protect the Whitewater Center and Tailrace Marina. This allows ample footage for the 2 private vendors to operate in a safe and sound manner if they obey the American Canoe Association "rules of the road". The waterways are considered public trust assets. All water craft operators have rights and must "share" the river. It is inappropriate that for profit vendors (Tailrace Marina and Whitewater Center) to impact citizen's rights to the Catawba River.

**Other recommendations:**

- I. Promote legislation in the N.C. General Assembly to "codify" the American Canoe Association rules of the road that require kayaks to stay left or right of the waterways and cross at a 90 degree angle.
- II. Promote legislation to require registration and personal property taxes on kayaks for vendor operators. Kayaks and paddle boards should adhere to similar rules and fees as power boaters with all monies going to boat education and safety.
- III. Promote legislation to return the Marine Commission(s) to their original role of advisory and not regulatory.

In Summary, the Catawba River Group's main concern is for public safety and rights for ALL water craft operators. The Group consists of 200+ property owners who pay higher taxes to the city/county due to the proximity of navigable waters. Adverse changes affect all and impact land values. The Group supports the exciting land based activities at the Whitewater Center and Tailrace Marina which adds value to the area with the proposed food and fueling facilities; however the rights of all boat operators must be respected and an effective passageway must be allocated for year round boating.

Respectively submitted,  
The Catawba River Group

Spokespersons

Tom Davis 704-392-5848

Joe Phillips 704-391-1059

# EXHIBIT A-2

March 18, 2015



## Temporary Rule-making for No-wake Zones on Lake Wylie in Gaston and Mecklenburg counties

The proposed temporary amendments to 15A NCAC 10F .0333 would establish two no-wake zones on Lake Wylie in Gaston and Mecklenburg counties.

### Proposed Location of No-wake Zones

Sadler Island west- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the western shore of Lake Wylie at 35.2708N, 81.01525W to a point on the western side of Sadler Island at 35.27056N, 81.01393W.

Sadler Island east- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the eastern side of Sadler Island at 35.2663N, 81.0143W to a point on the eastern shore of Lake Wylie at 35.26501N, 81.01374W.

Staff recommends the Commission adopt the following temporary amendments to 15A NCAC 10F .0333:

### 15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston Counties:

- (1) McDowell Park – The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County, including the entrances to the coves on either side of Copperhead Island;
- (2) Gaston County Wildlife Club Cove – The waters of the cove at the Gaston County Wildlife Club on South Point Peninsula in Gaston County;
- (3) Buster Boyd Bridge- The areas 250 feet to the north and 150 feet to the south of the Buster Boyd Bridge;
- (4) Highway 27 Bridge – The area beginning 50 yards north of the NC 27 Bridge and extending 50 yards south of the southernmost of two railroad trestles immediately downstream from the NC 27 Bridge;
- (5) Brown's Cove – The area beginning at the most narrow point of the entrance to Brown's Cove and extending 250 feet in both directions;
- (6) Paradise Point Cove – The waters of the Paradise Point Cove between Paradise Circle and Lakeshore Drive as delineated by appropriate markers;
- (7) Withers Cove - The area 50 feet on either side of Withers Bridge; and



- (8) Sadler Island west- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the western shore of Lake Wylie at 35.2708N, 81.01525W to a point on the western side of Sadler Island at 35.27056N, 81.01393W.
- (9) Sadler Island east- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the eastern side of Sadler Island at 35.2663N, 81.0143W to a point on the eastern shore of Lake Wylie at 35.26501N, 81.01374W.
- ~~(8)~~(10) other bridges – the areas that are within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph.
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat-launching ramp, dock, pier, marina, boat storage structure or boat service area.
- (c) Speed Limit Near All Other Bridges. No person shall operate a vessel at greater than no-wake speed within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in Paragraph (a) of this Rule.
- (d) Speed Limit in Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked mooring area or marked swimming area.
- (e) Placement and Maintenance of Markers. The Lake Wylie Marine Commission is designated a suitable agency for placement and maintenance of markers implementing this Rule.

*History Note: Authority G.S. 75A-3; 75A-15;  
Eff. July 1, 1980;  
Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;  
Temporary Amendment Eff. January 1, 1998;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. February 4, 2000;  
Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000.  
Temporary Amendment Eff. April 1, 2015*

# Exhibit B-1

March 18, 2015

Proposal	Proposed Text	Position Count	Comment Types
W1	Prohibit all nighttime hunting of coyotes in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	67 :Agree 68 :Disagree	82 :Online 35 :Comment Card 18 :Letter/Email
W2	Require a coyote hunting permit, in addition to a hunting license, for daytime hunting on private property in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	50 :Agree 59 :Disagree	60 :Online 32 :Comment Card 17 :Letter/Email
W3	Restrict daytime hunting of coyotes on State-owned game lands to special hunts regulated by permit in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	47 :Agree 60 :Disagree	60 :Online 30 :Comment Card 17 :Letter/Email
W4	Require reporting of all harvests in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	50 :Agree 54 :Disagree	56 :Online 31 :Comment Card 17 :Letter/Email
W5	Prohibit coyote competition or contest hunts on public lands in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	58 :Agree 48 :Disagree	59 :Online 30 :Comment Card 17 :Letter/Email
W6	List the red wolf as threatened in North Carolina.	129 :Agree 79 :Disagree	153 :Online 35 :Comment Card 20 :Letter/Email
O1	Other 1	66 :Option 1	12 :Online 33 :Comment Card 21 :Letter/Email
O2	Other 2	23 :Option 2	0 :Online 10 :Comment Card 13 :Letter/Email
O3	Other 3	21 :Option 3	0 :Online 7 :Comment Card 14 :Letter/Email
O4	Other 4	20 :Option 4	0 :Online 6 :Comment Card 14 :Letter/Email
O5	Other 5	20 :Option 5	0 :Online 6 :Comment Card 14 :Letter/Email

In addition to the individual comments tallied, and petitions included in Appendices A, B and C, the Commission received the following letters representing organizations:\*

- 1) Supports the temporary amendments to the coyote hunting rule and listing of red wolves as state-threatened  
Southern Environmental Law Center signed by Sierra Weaver, Senior Attorney
- 2) Supports an open season for coyotes in all counties. Opposes any additional restrictions on the hunting of coyotes. Opposes listing the red wolf as threatened.  
N.C. Farm Bureau signed by Larry Wooten, President
- 3) Supports the temporary amendments to the coyote hunting rule and listing of red wolves as state-threatened  
N.C. Wildlife Federation, signed by Tim Gestwicki, CEO
- 4) Supports the temporary amendments to the coyote hunting rule "...as they at least reinstate limited coyote hunting in the five counties." Opposes listing the red wolf as threatened.  
Safari Club International, signed by Craig Kauffman, President

*\*complete letters provided electronically*

## **APPENDIX A**

*The following e-mail was sent by 22,889 individuals:*

Dear Commissioners,

I support red wolves and am in favor of the proposed temporary and permanent rules to prohibit coyote hunting in the five-county Red Wolf Recovery Area in northeastern North Carolina. I am also in favor of listing the red wolf as a threatened species in the state.

Please -- do everything in your power to prevent unnecessary wolf deaths and recover this beautiful species across the Southeast.

## **APPENDIX B**

*The following e-mail was sent by 989 individuals:*

Dear Wildlife Resource Commission,

As a supporter of Defenders of Wildlife, a resident of North Carolina and someone who cares deeply about wolves, I'm writing today urging you to step up red wolf recovery efforts in North Carolina.

Recently, Defenders and its allies were able to secure a preliminary injunction halting nighttime coyote hunting in the designated Red Wolf Recovery Area. However, I am in support of permanently banning nighttime coyote hunting and listing the red wolf under the protection of North Carolina's Endangered Species Act; both of which are necessary to ensure the recovery and survival of red wolves.

The red wolf once ranged throughout the eastern and south central United States. However, intensive predator control programs and the degradation and alteration of the species' habitat had greatly reduced its numbers by the early 20th century. Designated as an endangered species in 1967, the red wolf was declared extinct in the wild in 1980. In 1987, an experimental population of red wolves was reintroduced into eastern North Carolina.

Today, only 90-110 wild red wolves remain in North Carolina - the only place they exist in the wild. Red wolf recovery efforts must not only be maintained, but also expanded if the species is to survive in the wild.

It is vital that you stand behind red wolves by listing them under the state ESA and banning coyote hunting at night. We can't allow these wolves to be exterminated once again from their native lands.

Thank you for your consideration.

## APPENDIX C

To: North Carolina Wildlife Resources Commission & United States Fish and Wildlife Service

### **Comments on Proposed Regulations for coyote hunting and red wolf listing and Resolutions concerning red wolf recovery**

#### **Summary**

In this letter we address the North Carolina Wildlife Resources Commission's proposed rule changes to institute coyote (*Canis latrans*) hunting rules and list the red wolf (*Canis rufus*) on the North Carolina Protected Species List. These actions are important steps to promote red wolf recovery but, unfortunately, the recent resolutions adopted by the Commission undermine these intentions and emphasize misconceptions about the red wolf to the public. Despite the notion asserted in the resolutions, a significant body of scientific evidence indicates that the red wolf is distinct from other species of canids. Furthermore, the red wolf in North Carolina has been minimally impacted by genetic introgression from coyotes, and hybrids compose a minimal portion of the red wolf recovery area. *Rejecting red wolf conservation due to the challenges posed by hybridization ignores evidence from other wolf populations and runs counter to the actions of wildlife agencies across North America, including the Commission's, in protecting other species impacted by genetic introgression.* People within North Carolina and the entire nation support the recovery of these native predators, and it is important for the WRC to rescind the resolutions, recognize the success of the program, and become an active participant in red wolf recovery.

Justin H. Bohling, Ph.D.

Postdoctoral Researcher

T. DeLene Beeland

Science Writer/Author of *The Secret World of Red Wolves: The Fight to Save North America's Other Wolf*

Kristin E. Brzeski, Ph.D. Candidate

Justin A. Dellinger

Wildlife Biologist

Philip W. Hedrick, Ph.D.

Ullman Professor of Conservation Biology

Joseph W. Hinton, Ph.D.

Postdoctoral Researcher

Melissa Karlin, Ph.D.

Assistant Professor of Environmental Sciences

Ronald M. Nowak, Ph.D.

Ronald W. Sutherland, Ph.D.

Conservation Scientist, Wildlands Network

Kitti L. Virts, Ph.D.

Red Wolf Recovery Volunteer & Comment Coordinator

Jonathan G. Way, Ph.D.

Research Scientist

# EXHIBIT B-2

March 18, 2015

## Permanent Rule-making for Coyote Hunting, Taking Depredating Coyotes, and Listing Red Wolves

As amended, the rule regulating coyote hunting, 15A NCAC 10B .0219, would prohibit all nighttime hunting of coyotes in the counties of Dare, Tyrrell, Hyde, Beaufort and Washington counties. Daytime hunting would be allowed on private property with a coyote hunting permit. Daytime hunting would be allowed on State-owned game lands with a special hunt permit. Competition or contest hunts on public land would be prohibited. Hunters would have to report all harvests. As amended, the rule regulating taking depredating wildlife, 15A NCAC 10B .0106, would restrict issuance of depredation permits to Commission employees only and require reporting of any depredating coyotes taken in the counties of Dare, Tyrrell, Hyde, Beaufort and Washington, whether taken with a permit or without one.

As amended, 15A NCAC 10I .0104, would designate the red wolf (*Canis rufus*) as state-listed threatened. As amended, 15A NCAC 10I .0102 would allow red wolves to be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c).

These permanent rules will fulfill the requirements of a court order, 2:13-cv-00060-BO and replace temporary rules adopted by the Commission on January 29, 2015.

Staff presents the following permanent amendments to 15A NCAC 10B .0219, 15A NCAC 10B .0106, 15A NCAC 10I .0102 and 15A NCAC 10I .0104 for adoption:

### 15A NCAC 10B .0219 COYOTE

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

- (1) There is no closed season for taking coyotes.
- (2) Coyotes may be taken on private lands anytime during the day or night.
- (3) Coyotes may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.

(b) In the counties of Beaufort, Dare, Hyde, Tyrrell and Washington, [~~Washington, Tyrrell and Beaufort,~~] the following apply:

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

(4) Coyote hunting permits are in addition to hunting licenses. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 shall [muststill] acquire the coyote hunting permits to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one calendar year and are subject to annual renewal. These permits are non-transferable. Permit holders shall [must] submit their harvest reports in order to be eligible for permit renewal.

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

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

*History Note: Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2;  
Eff. July 1, 1993;  
Temporary Amendment Eff. October 1, 2011;  
Amended Eff. January 1, 2012;  
Temporary Amendment Eff. August 1, 2012;  
Amended Eff. May 1, 2015 July 26, 2013.*



## 15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS

(a) Depredation permits allow the ~~taking take~~ of undesirable or excess wildlife resources as described in Subparagraphs (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit ~~shall must~~ be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the ~~property; property~~, however the manner of taking, disposition of dead ~~wildlife, wildlife~~ and reporting requirements as described in this Rule still ~~apply. apply~~

No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC ~~10I .0105 40I-0103~~ and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

- (1) for taking wildlife that is or has been damaging or destroying property provided there is evidence of property damage. No permit may be issued for the taking of any migratory birds and other ~~federally-protected federally-protected~~ animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and may contain limitations as to age, ~~sex, sex~~ or any other condition within the species so named. The permit ~~shall must~~ be issued to a landholder or an authorized representative of a unit of local government for depredations on public ~~property; and the property.~~ ~~The~~ permit shall be used only by individuals named on the permit.
- (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) seeking such a depredation permit must apply to the Executive Director using a form supplied by the Commission requesting the following information:
  - (A) the name and location of the city;
  - (B) the acreage of the affected property;
  - (C) a map of the affected property;
  - (D) the signature of an authorized city representative;
  - (E) the nature of the overabundance or the threat to public safety; and
  - (F) a description of previous actions taken by the city to ameliorate the problem.

(b) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling ~~techniques, techniques~~ and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of at least 85 percent on a written examination provided by a representative of the Wildlife Resources ~~Commission, Commission~~ in cooperation with the training course ~~provider, provider~~ shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for coyotes in the counties of ~~Beaufort, Dare, Hyde, Tyrrell, Washington; Washington, Tyrrell, and Beaufort,~~ big game ~~animals; bats; animals, bats,~~ or species listed as endangered, ~~threatened, threatened~~ or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs ~~shall must~~ report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records ~~shall must~~ be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. Wildlife Damage Control Agent status shall be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA ~~shall must~~ renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife ~~laws, laws~~ and safe, humane wildlife handling techniques within the previous 12 months.

(c) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall-must be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule.

(d) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, season such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps shall must be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit, permit the method of trapping shall must be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(e) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall must have the depredation permit in his or her possession. Except as provided by the succeeding Subparagraphs of (d)(2) through (5) of this Rule, all wildlife killed under a depredation permit shall must be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall must not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall must hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; license, provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine shall must be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other

animals taken alive, the animal shall must be euthanized or else released on property with permission of the landowner. When the relocation site is public property, written permission must be obtained from an appropriate local, state, state or federal official before any animal may be released. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall must have the depredation permit in his or her possession.

(f) Reporting Requirements. Any landholder who kills an alligator, deer, Canada goose, bear or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. . Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell and Washington [Dare, Washington, Beaufort, Tyrrell, and Hyde] shall report such kill as directed on the form provided with the depredation permit. [provided.] The killing and method of disposition of every alligator [alligator, ]alligator and bear, or coyote in the counties of Beaufort, Dare, Hyde, Tyrrell or Washington [Dare, Washington, Beaufort, Tyrrell, and Hyde,] and bear taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

*History Note:* Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337;

*Eff. February 1, 1976;*

*Amended Eff. May 1, 2015; August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990.*

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

(a) No Open Season. There is no open season for taking any of the species listed as endangered in Rule .0103, or threatened in Rule .0104 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in the rules of this Chapter. Unless otherwise provided in North Carolina General Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in Rules .0103, .0104, or .0105 of this section of such species at any time.

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

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

(c) Taking Without a Permit:

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

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

(e) Exceptions.

- (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators alligators, that have been lawfully taken in a state in which there is an open season for harvesting alligators alligators, may be possessed, bought, bought and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.
- (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.
- (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered, bartered or traded as provided in 50 C.F.R. 21.30 when marked as required under those regulations. 50 C.F.R. 21.30 is hereby incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at [http://www.ecfr.gov/cgi-bin/text-idx?SID=1bc046c08a9f0f17cb904604d98ab748&node=se50.9.21\\_130&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=1bc046c08a9f0f17cb904604d98ab748&node=se50.9.21_130&rgn=div8).
- (4) Red Wolves (Canis rufus) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c). 50 C.F.R. 17.84(c) is hereby

incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=50:2.0.1.1.1.8.1.5>.

(4) (5) Importation, possession, sales, ~~transportation, transportation~~ and exportation of species listed as special concern species in Rule .0105 of this Section ~~shall be is~~ allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for ~~research, research~~ provided that:

- (A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;
- (B) they are possessed in indoor facilities;
- (C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and
- (D) importation, ~~possession, possession~~ and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.

(f) A written application to the Commission ~~shall be is~~ required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the ~~specimens, specimens~~, and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.

(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research ~~institutions, institutions~~ provided that:

- (1) sales are permitted to out of state consumers;
- (2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all ~~transportation transportation~~ of the specimens;
- (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and
- (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; Eff. June 11, 1977; Amended Eff. May 1, 2015; January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

**15A NCAC 10I .0104 THREATENED SPECIES LISTED**

(a) The following species of resident wildlife are designated as federally-listed threatened species:

- (1) Amphibians: None Listed At This Time.
- (2) Birds: Piping plover (*Charadrius melodus melodus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
  - (A) Spotfin chub (*Cyprinella monacha*); **and**
  - (B) Waccamaw silverside (*Menidia extensa*).
- (5) Mammals: None Listed At This Time.
- (6) Mollusks: Noonday globe (*Patera clarki nantahala*).
- (7) Reptiles:
  - (A) Bog turtle (*Glyptemys muhlenbergii*);
  - (B) American alligator (*Alligator mississippiensis*);
  - (C) Green sea turtle (*Chelonia mydas*); **and**
  - (D) Loggerhead sea turtle (*Caretta caretta*).

(b) The following species of resident wildlife are designated as state-listed threatened species:

- (1) Amphibians:
  - (A) Carolina gopher frog (*Rana capito capito*);
  - (B) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
  - (C) Junaluska salamander (*Eurycea junaluska*); **and**
  - (D) Wehrle's salamander (*Plethodon wehrlei*).
- (2) Birds:
  - (A) Bald eagle (*Haliaeetus leucocephalus*); ~~leucocephalus~~
  - (B) Gull-billed tern (*Sterna nilotica aranea*); **and**
  - (C) Northern saw-whet owl (*Aegolius acadicus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
  - (A) American brook lamprey (*Lampetra appendix*);
  - (B) Banded sculpin (*Cottus carolinae*);
  - (C) Bigeye jumprock (*Scartomyzon ariommus*);
  - (D) Blackbanded darter (*Percina nigrofasciata*);
  - (E) Carolina madtom (*Noturus furiosus*);
  - (F) Carolina pygmy sunfish (*Elassoma boehlkei*);
  - (G) Carolina redhorse (*Moxostoma* sp.) (Pee Dee River and its tributaries and Cape Fear River and its tributaries);
  - (H) Least brook lamprey (*Lampetra aepyptera*);
  - (I) Logperch (*Percina caprodes*);
  - (J) Rosyface chub (*Hybopsis rubrifrons*);
  - (K) Sharphead darter (*Etheostoma acuticeps*);
  - (L) Sicklefin redhorse (*Moxostoma* sp.) (Hiwassee River and its tributaries and Little Tennessee River and its tributaries);
  - (M) Turquoise darter (*Etheostoma inscriptum*); **and**
  - (N) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
  - (A) Eastern woodrat (*Neotoma floridana floridana*);
  - (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); ~~rafinesquii~~; **and**
  - (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
  - (A) Alewife floater (*Anodonta implicata*);
  - (B) Big-tooth covert (*Fumonelix jonesiana*);
  - (C) Cape Fear threetooth (*Triodopsis soelneri*);
  - (D) Carolina fatmucket (*Lampsilis radiata conspicua*);
  - (E) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
  - (F) Eastern lampmussel (*Lampsilis radiata radiata*);
  - (G) Eastern pondmussel (*Ligumia nasuta*);
  - (H) Engraved covert (*Fumonelix orestes*);

- (I) Mountain creekshell (*Villosa vanuxemensis*);
  - (J) Roan supercoil (*Paravitrea varidens*);
  - (K) Roanoke slabshell (*Elliptio roanokensis*);
  - (L) Sculpted supercoil (*Paravitrea ternaria*);
  - (M) Seep mudalia (*Leptoxis dilatata*);
  - (N) Smoky Mountain covert (*Inflectarius ferrissi*);
  - (O) Squawfoot (*Strophitus undulatus*);
  - (P) Tidewater mucket (*Leptodea ochracea*);
  - (Q) Triangle floater (*Alasmidonta undulata*);
  - (R) Waccamaw ambersnail (*Catinella waccamawensis*);
  - (S) Waccamaw fatmucket (*Lampsilis fullerkati*);
  - (T) Waccamaw spike (*Elliptio waccamawensis*).
- (7) Reptiles: None Listed At This Time.

*History Note:* Authority G.S. 113-134; 113-291.2; 113-292; 113-333;  
Eff. March 17, 1978;  
Amended Eff. May 1, 2015; June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1,  
1990; September 1, 1989.